PREFACE

The City of Reading has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the City Council, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the City Council. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the City ordered the following codification of the City Council's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the City of the City of Reading, including revisions or amendments to existing legislation deemed necessary by the City in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all City Council legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other City Council legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Table of Contents and Grouping of Legislation

The Table of Contents details the arrangement of material alphabetically by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, the use of article designations has preserved the identity of the individual enactments, and the titles of the articles are listed beneath the chapter title in order to facilitate location of the individual enactments.

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which the section number indicates the number of the chapter and the location of the section within that chapter. Thus, the first section of Chapter 30 would be § 30-1, while the sixth section of Chapter 57 would be § 57-6.

Scheme

The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number, if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Derivation Table

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 2001 Code of Ordinances have been included in the 2103 Code, or the reason for exclusion.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the City Council officials is gratefully acknowledged by the editor. The codification of the legislation of the City of Reading reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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[HISTORY: Approved by the voters of the City of Reading at the general election on 11-7-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Administrative Code — See Ch. 5.

Charter Board — See Ch. 23, Part 6.

Personnel — See Ch. 70.

PREAMBLE

We, the people of Reading, Berks County, in order to secure the fullest measure of City home rule and responsive, effective, and economical local self-government under the Constitution and laws of the Commonwealth of Pennsylvania, do hereby adopt this Charter as our instrument of government.

ARTICLE I
Powers of the City

§ 101. The City.

The City shall be a municipality of the Commonwealth of Pennsylvania known as the City of Reading. Its boundaries shall remain as they are on the effective date of this Charter unless otherwise changed by law. The City shall be governed pursuant to this Charter.

§ 102. Grant of power.

The City shall have the power to exercise any power or to perform any function not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by act of the General Assembly of Pennsylvania, or by this Charter.

§ 103. Exercise of powers.

All powers of the City shall be exercised as provided by this Charter, or if the Charter makes no provision, as provided by ordinances or resolutions of the City Council.

§ 104. Preservation of powers of the people.

Powers reserved to the people by the Constitution of the United States and the Commonwealth of Pennsylvania shall be inviolate.

§ 105. Construction.

(a) Powers. The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this article.

(b) Severability. If any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Charter, but shall be limited in its effect and operation to the particular provision involved.

(c) Titles. In the interpretation of this Charter, the titles shall be used to explain and understand the purposes of any given chapter or section.

(d) Residency. All references to "residency" in this Charter shall mean legal residence or domicile. **[Added at the November 2007 General Election]**

ARTICLE II
Council — The Legislative Branch

§ 201. Composition.

There shall be seven members of Council. Six shall be nominated and elected by district and one, the President of Council, shall be nominated and elected at large by the qualified voters of the City.

§ 202. Eligibility.

Only qualified voters of the City who have resided continuously in the City one year prior to the date of the primary election for that office shall be eligible to hold the office of President of Council. Only qualified voters of the City who have resided in the district which they are to represent continuously one year prior to the date of the primary election for that office shall be eligible to hold the office of Council member.

The President of Council must retain residency in the City during his or her term of office. District Council members must retain residence in the district of the City from which they were elected, during their term of office.

§ 203. Election and terms.

The regular election of Council members shall be held on the general municipal election day as established by the laws of the Commonwealth of Pennsylvania. The terms of Council members shall begin at noon on the first Monday of January next following the municipal election and when the transition from the old to the new form of government is completed shall be for four years.

In the year the Mayor is elected, three district Council persons shall be elected. In the next municipal election, the President of Council and three district Council persons shall be elected.

§ 204. Compensation.[1]

Each Council member elected at the first election under this Charter shall receive a nominal annual salary in the amount of $5,000. The President of Council shall receive $5,500. Council members shall receive no other benefits with the exception of reimbursement for legitimate expenses related to the office of council. Council may raise by ordinance the salary of Council, but such ordinance will not take effect until the date of the commencement of the terms of Council members elected at the next regular municipal election, provided that such election follows the adoption of such ordinance by at least six months.

§ 205. Vacancies.

The office of Council member shall become vacant upon death of the member, resignation, removal from office in any manner authorized by law or forfeiture of office.

§ 206. Forfeiture of office.

A member of Council shall forfeit office if the member:

---

1. Editor's Note: For the current salary of Council members and the President of Council, see § 91-101.

(a) Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law;

(b) Violates any express prohibition of this Charter;

(c) Fails to attend three consecutive regular meetings of the Council without being excused by Council; or

(d) Is convicted of any crime classified as a misdemeanor of the second class or higher, under the laws of the Commonwealth of Pennsylvania or the United States, or be convicted of any comparable crime under the laws of any other state in the United States.

In all cases of forfeiture, the member shall be entitled to notice and a hearing before Council in accordance with administrative procedures to be established by Council.

§ 207. Filling of vacancies.

A vacancy in the Council shall be filled by a majority vote of the remaining members of Council. If the Council fails to act within 30 days following the occurrence of the vacancy, the Court of Common Pleas of Berks County shall, upon petition of three members of Council or 10 qualified voters of the City, fill the vacancy in such office by the appointment of a qualified resident of the City. In the case of a vacated district seat, the person appointed to fill that seat either by Council itself or the Court of Common Pleas must be a resident of the district. The individual appointed will remain in office until the first Monday in January following the next municipal election. At such municipal election, a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday following, for a new full term.

§ 208. General powers and duties.

All powers of the City not otherwise provided for in this Charter shall be exercised in a manner to be determined by Council. Council shall provide for the exercise and performance of any such other powers and duties in a manner consistent with the terms of this Charter.

§ 209. Prohibitions.

(a) No Council member shall hold any compensated appointive City office or City employment during the term for which the member was elected to Council.

(b) No Council member shall serve as an elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof.

(c) No Council member shall hold any compensated appointive City office or City employment until one year after the expiration of the term for which the member was elected to the Council.

(d) Except for the purpose of inquiry, the Council and its members shall deal with all departmental and bureau employees through the Mayor or the Managing Director.

(e) Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative offices or employees whom the Mayor or subordinates of the Mayor are empowered to appoint except as otherwise provided in this Charter.

(f) No Council member shall serve as an employee of any municipal authority which is created solely or jointly by the City with one or more political subdivisions until one year after the expiration of the term for which the member was elected to Council.

(g) Any Council member who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any sale of land with the City or in any contract with the City, shall immediately make publicly known their interest and shall refrain from voting upon, or otherwise participating in the sale of such land or making of such contract. A statement of such interest shall be filed with the City Clerk.

Any Council member who willfully conceals such interests shall be guilty of malfeasance in office.

Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City.

§ 210. Investigations.

Council shall have the power, by ordinance, to make or cause to be made, investigations, audits, or studies of the City and the conduct of any City department, office or agency, and, for this purpose may retain professional and technical assistance, subpoena witnesses, administer oaths, take testimony, require the production of evidence, and provide funds for such investigation, audit, or study.

The subjects of such investigation, audit, or study shall be specifically stated in the authorizing ordinance.

§ 211. Removal powers.

(a) Council shall have the power to remove from office for cause set forth in this section any person appointed to the office by Council. Malfeasance, committing a fraud upon the City or commission of any corrupt act or practice shall constitute grounds for removal.

(b) Council may at its discretion remove the City Solicitor if five members of the City Council vote in favor of a motion to do so.

(c) Council shall have the power to remove any elected official or appointed department head from office if the Council finds such person guilty of malfeasance in office.

§ 212. Procedures.

(a) Rules. The Council shall determine its own rules and Order of Business.

(b) Meetings. Council shall hold a regular meeting at least twice each month in the evening on a day and place as the Council may prescribe by rule.

(c) Special meetings. Special meetings may be held on the call of the President of Council or at least four members of Council at such time and place and under such conditions as the Council may prescribe by rule.

(d) Meetings open to the public. All meetings shall be open to the public, except executive sessions as authorized by law. The chambers shall be arranged in such a way as to have all members of Council facing the public.

(e) Voting. All action shall be at a public session; shall require a majority full vote of Council, except in the case of a vote to override a veto, which shall require an affirmative vote of five members, and in the case of passage of an ordinance, which shall require a majority vote of Council as a whole unless otherwise specified in this Charter; voting shall be by roll call vote, and the vote of each member of the Council shall be entered in the minutes of the meeting.

(f) The Council shall provide for keeping of a journal of its proceedings. The journal shall be a public record, and shall be maintained in City Hall and a copy in the Reading Public Library and the Berks County Law Library.

§ 213. Citizens' right to be heard.

The Council must provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. Citizens' right to be heard shall be the first order of business at all public meetings and before a vote on any Council business. The public shall be granted the opportunity to comment at Council meetings without time limitations, except when Council by a majority plus one of the members present imposes a reasonable time limitation deemed necessary.

§ 214. Quorum.

A quorum of Council shall consist of four Council members.

§ 215. Ordinances in general. [Amended at the November 2014 General Election]

Council may legislate by passage of an ordinance. All ordinances introduced shall be kept in a place accessible to the public at all reasonable times. Final action on all ordinances shall take place during public meetings. Acts of Council shall be by ordinance which:

(a) Adopt or amend the codes or establish, alter, or abolish any unit of the City;

(b) Provide for a fine or other penalty or establish a rule or regulation for which a fine or other penalty is imposed;

(c) Levy taxes and provide for service charges, permit fees and assessments;

(d) Grant, renew or extend a franchise;

(e) Adopt or amend the annual budget and capital program budget;

(f) Repeal or amend any ordinance;

(g) Adopt procedures for purchasing of products, goods, or services, for making contracts and for the sale or lease of personal or real property of the City;

(h) Adopt other actions which are legislative in nature;

(i) Authorize the borrowing of money;

(j) Purchase, convey, or lease lands or buildings; or

(k) Adopt zoning, subdivision or other land use controls.

§ 216. Form of ordinance.

Every ordinance shall have a title clearly expressing its subject and every ordinance shall contain only one subject.

§ 217. Procedures.

(a) The first reading of an ordinance may be introduced by any Member at any regular or special meeting of the Council without vote.

(b) After the first reading, the City Clerk shall distribute a copy of the proposed ordinance to each Council member and to the Mayor and shall file and make available a reasonable number of copies in the office of the City Clerk.

§ 218. Final passage of ordinance resolutions.

A minimum of 14 days must intervene between introduction and passage of an ordinance unless Council finds and declares a public emergency posing a sudden, clear and present danger to life or property.

§ 219. Effective date of legislation.

Every adopted ordinance except emergency legislation shall become effective at the expiration of 30 days after passage by Council and approval by the Mayor, or repassage by Council over the Mayor's veto, or at a date specified therein, but not less than 10 days after adoption.

§ 220. Emergency ordinance.

An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists.

§ 221. Submission to Mayor and veto power.

Before any ordinance takes effect, it must first be submitted to the Mayor for approval. The Mayor shall sign the ordinance within 10 days if approved, but if not, shall return it to Council stating objections. Council shall, at its next meeting, reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of five members of City Council.

If the Mayor fails within 10 days after any ordinance is submitted to him to sign the ordinance and/or return it to Council, such ordinance shall be considered adopted at the expiration of the ten-day period.

The veto power of the Mayor shall not apply to ordinances adopted by initiative or referendum.

§ 222. Recording of ordinances.

All ordinances shall be contained in permanent separate record books. The ordinance book and all other actions taken by Council at a public meeting shall be open and available for public inspection at normal business hours in the office of the City Clerk, and a copy in the Reading Public Library.

§ 223. Codification of ordinances.

Within three years after the effective date of this Charter, the Council shall provide for a codification with an index of ordinances of the City. No later than three months after the close of each year, Council, with the assistance of the City's legal department, shall classify ordinances according to the division and subdivision of the Code for insertion in the Code during said year.

§ 224. Action by resolution or motion.

Nothing in the article is intended to preclude Council from taking appropriate action by resolution or motion.

§ 225. City Clerk.

Within 30 days of taking office, City Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members and the public, take the minutes of all City Council meetings, keep the journal of its proceedings, shall have the power of a notary public, shall serve as secretary to the Council and perform such other duties as are assigned by the administrative code, the Council, or state law. The term of City Clerk shall be two years with option to be reappointed for successive terms. The City Clerk shall serve at the pleasure of Council.

ARTICLE III
Executive Branch

§ 301. The Mayor.

The executive, administrative, and law enforcement powers of the City shall be vested in the Mayor. The Mayor shall control and be accountable for the executive branch of City government, as provided by this Charter.

§ 302. Election and terms.

The election of the Mayor shall be held in municipal elections in the manner provided by law. The term of office of the Mayor shall be four years commencing the first Monday in January after the election.

§ 303. Eligibility.

The candidate for Mayor shall be a registered voter of the City who shall have resided in the City continuously for at least one year immediately preceding the primary election in which the Mayor seeks office. The Mayor shall continue to reside in the City throughout the term of office.

§ 304. Vacancy.

(a) If the office of the Mayor becomes vacant for any reason, Council shall appoint an interim Mayor who shall serve until the next municipal election.

(b) A vacancy in the office of Mayor shall be filled at the next municipal election, in the manner provided by law. The person elected shall hold the qualifications for the office of the Mayor and shall serve the remaining portion of the vacated term.

§ 305. Forfeiture of office.

The Mayor shall forfeit that office if the Mayor:

(a) Lacks at any time during term of office for which elected any qualification for the office prescribed by this Charter or by law;

(b) Violates any express prohibition of the Charter; or

(c) Is convicted of any crime classified as a misdemeanor of the second class or higher, under the laws of the Commonwealth of Pennsylvania or the United States, or be convicted of any comparable crime under the laws of any other state in the United States.

In all cases of forfeiture, the Mayor shall be entitled to notice and a hearing in accordance with the administrative procedures to be established by Council.

§ 306. Prohibitions.

(a) The Mayor shall not hold any compensated appointive City office or City employment during the term of office for which the Mayor was elected.

(b) The Mayor shall not serve as an elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof.

(c) The Mayor shall not hold any compensated appointed City office or City employment until one year after the expiration of the term for which the Mayor was elected.

(d) The Mayor shall not serve as an employee of a municipal authority which is created solely or jointly by the City with one or more political subdivisions until one year after the expiration of the term for which the Mayor was elected.

(e) If during his or her first term in office the Mayor wishes to run for another political office, he or she must resign his or her position as Mayor. After one complete term, the Mayor may run for another office without relinquishing his or her position as Mayor.

(f) A Mayor who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of land, shall immediately make known that interest to Council. A Mayor who wilfully conceals any such interest shall be guilty of malfeasance in office. Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City.

§ 307. Compensation.

(a) The Mayor shall receive an annual salary in the amount of $55,000 until such amount is changed by City Council.[2]

(b) City Council may determine the annual salary of the Mayor by ordinance, but no ordinance changing such salary shall become effective until the date of commencement of the term of the Mayor elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months.

§ 308. Powers and duties of the Mayor.

The Mayor shall have the following powers and duties:

(a) Execute, enforce, and obey the ordinances of the City and laws of the Commonwealth of Pennsylvania and the United States of America.

(b) Prepare and present a budget to City Council in accordance with the provisions of this Charter.

(c) Inform City Council and the public each January of the financial and general condition of the City.

(d) Provide Council with all information concerning finances and general conditions of the City as may be requested by Council.

(e) Introduce proposed legislation to Council and make recommendations to City Council concerning the affairs of the City.

(f) Be responsible for the hiring, with the approval of Council, of the City Managing Director.

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2. Editor's Note: For the current salary of the Mayor, see § 91-101A.

(g) Direct the administration of all departments, offices, and agencies of the City as supervised by the Managing Director, except as otherwise provided by this Charter or by law. **[Amended at the November 2014 General Election]**

(h) Ensure that all laws, provisions of this Charter and acts of City Council, subject to enforcement by the Managing Director, are faithfully executed by the Managing Director.

(i) Be responsible for the establishment and development of administrative policy to be implemented by the Managing Director.

(j) Be present or represented at all public council meetings. The Mayor may participate in all public discussions but shall have no vote.

(k) Execute all bonds, notes, contracts, and written obligations of the City.

(l) Issue subpoenas and compulsory processes, under the Official Seal of the Mayor, for the attendance of such persons and the production of such books and records as deemed necessary by the Mayor, and seek enforcement of such subpoenas by the Court of Common Pleas of Berks County.

(m) Unless otherwise provided, be responsible for the employment of personnel necessary for the effective operation of City government.

(n) Perform such other duties and exercise such other powers as stated in this Charter, by law, or ordinance.

§ 309. Appointment by the Mayor.

The Mayor shall appoint:

(a) One City Solicitor. Any person so appointed shall hold office unless removed during the term for which the Mayor is elected and until a successor is appointed and qualified. Four affirmative votes of Council shall be necessary for confirmation.

(b) All members of boards, authorities and commissions, over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.

§ 310. Removals by Mayor.

The Mayor may remove from office anyone appointed pursuant to § 309(b), unless otherwise provided by law.

§ 311. Managing Director.

The Mayor pursuant to the provisions of this Charter shall appoint a full-time officer of the City who shall have the title of Managing Director and who shall receive compensation comparable to that received by a person in a position of similar responsibilities.

§ 312. Deputy Mayor.

In the event of the Mayor's temporary absence from the City, or temporary disability, the Managing Director shall act as Deputy Mayor. The Deputy Mayor shall exercise all the duties of the Mayor, except the power of appointment or removal from office.

ARTICLE IV
Managing Director

§ 401. Appointment; qualification; compensation.

(a) Within 90 days of taking office, the Mayor, with the approval of City Council, shall appoint a Managing Director for an indefinite term, subject to at least a biennial review, and fix the Managing Director's compensation. The Managing Director need not be a resident of the City at the time of appointment, but after appointment shall reside in the City. The Managing Director shall establish such City residency within 12 months of being appointed.

(b) Any candidate for Managing Director shall:

(1) Have a Master's degree in public administration, business administration, or its equivalent and have at least three years' experience at an executive or administrative level; or

(2) Have a Bachelor's degree in public administration, or its equivalent, and have at least five years of experience at an executive or administrative level.

(c) City Council may, by ordinance, establish additional qualifications for the position of Managing Director, prior to advertisement for the hiring of the Managing Director.

(d) In the event that the position of Managing Director cannot be filled by the Mayor, the Mayor may appoint a Temporary Managing Director for a period of time not to exceed 90 days. During this period of time, the Mayor shall continue to use all available means to fill the position.

(e) In the event the Mayor has not filled the position of Managing Director within 180 days of taking office, City Council shall, within 90 days thereafter, hire a Managing Director. Any person hired by City Council shall hold the qualifications for said position prescribed by this Charter. The Mayor shall not have the power of veto over any candidate hired by City Council in accordance with the provisions of this Charter.

§ 402. Approval by Council.

(a) City Council approval shall be necessary for the hiring of the Managing Director appointed by the Mayor. Such approval shall be made within 30 days from the date of the appointment. If no action is taken by City Council within such period, the approval of the hiring of the candidate shall be automatic.

§ 403. Vacancy.

(a) If the position of Managing Director becomes vacant at any time, the provisions of § 401 shall apply to the hiring of a replacement.

§ 404. Removal.

(a) The Managing Director may be removed from office by the Mayor at any time, without cause.

(b) At least 15 days prior to the removal from office, the Mayor shall notify the Managing Director and City Council in writing of such removal.

(c) Council may, by ordinance, remove the Managing Director from office for failure to hold the qualifications set forth in § 401 or for violation of any of the prohibitions set forth in § 405.

§ 405. Prohibitions.

(a) The Managing Director shall devote full time to the office; shall hold no elective public office; shall hold no other City office or City employment for which any compensation is paid or received; and shall hold no office in any political party or organization.

(b) A Managing Director who has a financial interest, direct or indirect, or by reason of ownership of stock, in any corporation, in any sale of land with the City or, in any contract with the City, shall immediately make known that interest to Council. A Managing Director who wilfully conceals such an interest shall be guilty of malfeasance in office. Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City.

(c) The Managing Director shall refrain from participating in the debate and discussion of policy by City Council unless authorized by the Mayor, but may respond to inquiries on any matter under consideration.

§ 406. Powers and duties.

The Managing Director shall be the chief administrative officer of the City, responsible to the Mayor for the administration of all City affairs placed in the Managing Director's charge pursuant to this Charter. In addition to other powers and duties prescribed by this Charter, the Managing Director shall:

(1) Execute and enforce the provisions of this Charter and all ordinances, resolutions, and motions of City Council;

(2) Supervise the administration of all departments, offices, and agencies of the City, as directed by the Mayor, except as otherwise provided by this Charter or by law; **[Amended at the November 2014 General Election]**

(3) Appoint, suspend, or remove any City employee, except as otherwise provided by this Charter or by law;

(4) Prepare and submit to the Mayor on an annual basis a five-year financial plan and a budget.

(5) Supervise and direct the negotiation and administration of any collective bargaining agreements with City employees;

(6) Submit to the Mayor a complete report of the finances and administrative activities of the City within 30 days of the end of each fiscal year;

(7) Assure that the laws of the commonwealth relating to the affairs and government of the City are faithfully executed and enforced;

(8) Present to the Mayor from time to time such information concerning the business and affairs of the City as the Managing Director may deem necessary, or as City Council by motion may request; and recommend such measures for legislative action as are believed to be in the best interests of the City; and

(9) Perform such other duties as are specified in this Charter or may be required by the Mayor or City Council.

ARTICLE V
City Auditor

§ 501. Election and terms.

The election of the City Auditor shall be held in municipal elections in the manner provided by law. The term of office of the City Auditor shall be four years commencing the first Monday in January after the election.

§ 502. Eligibility. [Amended at the November 2008 General Election[3]; November 2014 General Election]

The candidate for City Auditor shall be a registered voter of the City who shall have resided in the City continuously for at least one year immediately preceding the primary election in which the City Auditor seeks office. The City Auditor shall continue to reside in the City throughout the term of office. In addition, the City Auditor must have a Bachelor's Degree in Business Administration, Municipal Government, Accounting, Management or a related field. The City Auditor elected at the first election under this Charter shall receive an annual salary of $40,000.[4]

§ 503. Responsibilities.

The City Auditor shall:

(a) Have financial oversight of City finances, independent of the Executive and Legislative branches and shall review all expenditures of the Mayor, City Council, and City boards, commissions and agencies;

(b) Review the annual budget before approval by City Council, and make nonbinding recommendations to City Council for consideration;

(c) Be present or represented at all Council meetings;

(d) Perform specific audits of City finances from time to time as determined by the City Auditor or City Council;

(e) Report to Council on the progress of the implementation of any recommendations as found in the annual audit and management letter;

(f) Assist in all audits conducted by independent auditors;

(g) Assure the accurate and timely completion and submittal of audit reports along with appropriate follow-up recommendations;

(h) Furnish to City Council, the Mayor, the Managing Director, and others, as appropriate, periodic reports of audits conducted;

(i) Interpret and communicate audit policies and procedures to all City management and staff;

(j) Direct internal financial security and loss investigation activities;

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3. Editor's Note: The link between the Mayor and Auditor salary was eliminated via approval of the referendum question at the November 2008 General Election.

4. Editor's Note: For the current salary of the City Auditor, see § 91-101D.

(k) Prepare an annual budget for the office of City Auditor and operate the office of City Auditor within approved budget limitations; and

(l) Issue any subpoenas in order to fulfill the duties and responsibilities of the office of City Auditor.

§ 504. Forfeiture.

The City Auditor shall forfeit that office if the City Auditor:

(a) Lacks at any time during term of office for which elected any qualification for the office prescribed by this Charter or by law;

(b) Violates any express prohibition of the Charter; or

(c) Is convicted of any crime classified as a misdemeanor of the second class or higher, under the laws of the Commonwealth of Pennsylvania or the United States, or be convicted of any comparable crime under the laws of any other state in the United States.

In all cases of forfeiture, the City Auditor shall be entitled to notice and a hearing in accordance with the administrative procedures to be established by Council.

§ 505. Vacancy.

(a) If the office of the City Auditor becomes vacant for any reason, Council shall appoint an interim City Auditor who shall serve until the next municipal election.

(b) A vacancy in the office of City Auditor shall be filled at the next municipal election, in the manner provided by law. The person elected shall hold the qualifications for the office of the City Auditor and shall serve the remaining portion of the vacated term.

§ 506. Prohibitions.

(a) The City Auditor shall not hold any compensated appointive City office or City employment during the term of office for which the City Auditor was elected.

(b) The City Auditor shall not serve as an elected official in any other office in the Commonwealth of Pennsylvania or political subdivision thereof.

(c) The City Auditor shall not hold any compensated appointed City office or City employment until one year after the expiration of the term for which the City Auditor was elected.

(d) The City Auditor shall not serve as an employee of a municipal authority which is created solely or jointly by the City with one or more political subdivisions until one year after the expiration of the term for which the City Auditor was elected.

(e) A City Auditor who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any sale of land with the City or in any contract with the City, shall immediately make known that interest to Council. A City Auditor who wilfully conceals any such interest shall be guilty of malfeasance in office. Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City.

ARTICLE VI
Administration

§ 601. Administrative Manual.[5] [Amended at the November 2014 General Election]

Within six months of the adoption of this Charter amendment,[6] the Mayor shall establish and then, from time to time, amend an Administrative Manual which shall set forth in detail the administrative policies and procedures of the City, including:

(a) General administrative policies, as directed by the Mayor, and implemented by the Managing Director, for the efficient and effective operation of government;

(b) The internal procedures for the operation of the departments, offices, and agencies, as directed by the Managing Director and heads of departments; and

(c) Any other rules, regulations, and procedures for the efficient and effective administration.

§ 602. (Reserved)[7]

§ 603. Heads of departments, offices, and agencies.

(a) Appointment. Except as otherwise provided by this Charter, the Mayor shall appoint and remove the head of any department, office and agency. An appointment shall not be effective unless City Council by resolution confirms it or fails to reject it within 60 days after the appointment. The appointee shall serve unless rejected by City Council or until removal from office, whichever is sooner.

(b) Removal. The Mayor shall have the power at any time to remove the head of any department, office or agency immediately under the Managing Director's direction and supervision, but the Mayor shall within 14 days notify in writing City Council of the removal and the reason for it.

§ 604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience; and professional, executive, and administrative abilities; and such other qualifications as may be set forth in this Charter. (See § 705)

§ 605. Prohibitions.

(a) The department head shall devote full time to the office; shall hold no elective public office; shall hold no other City office or City employment for which any compensation is paid or received; shall hold no office in any political party or organization.

(b) A department head who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any sale of land with the City or, in any contract with the City, shall immediately make known that interest to Council. A department head

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5. Editor's Note: See Ch. 5, Administrative Code.

6. Editor's Note: The Charter amendment was approved by referendum 11-4-2014 at the November 2014 General Election.

7. Editor's Note: The repeal of former § 602, Common administrative procedures, was approved by referendum at the November 2014 General Election.

who willfully conceals such an interest shall be guilty of malfeasance in office. Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City.

(c) The department head shall refrain from participating in the debate and discussion of policy by City Council unless authorized by the Mayor, but may respond to inquiries on any matter under consideration.

§ 606. Department of Public Works/City Engineer.

(a) The Department of Public Works is mandated by this Charter. The Mayor shall appoint and fix the compensation of the head of the Department of Public Works/City Engineer. He shall be a professional civil engineer registered in Pennsylvania, and shall perform the duties required through the Administrative Code or other action, or as may be required of a City Engineer by general law.

(b) The Department of Public Works shall include an environmentalist who shall be appointed by the head of the Department of Public Works, whose duties shall include education, lobbying, research and public liaison. The environmentalist shall have sufficient technical qualifications for a position of this type.

§ 607. Department of Administrative Services. [Amended at the May 2010 Primary Election[8]]

There shall be a Department of Administrative Services. A Director of Administrative Services shall be appointed by the Mayor and approved by the City Council (as per § 603). As a minimum requirement, the Director of Administrative Services shall have a Bachelor's degree in public administration, finance, economics, political science or other related field and a minimum of eight years' related experience. The Director of Administrative Services shall be responsible for the administration of the City of Reading personnel and finance departments and their functions as set forth in the Administrative Code.

8. Editor's Note: Approved by referendum in May 2010 to combine the Departments of Finance (previously § 607 of the Home Rule Charter) and Human Resources (previously § 705 of the Home Rule Charter) into a Department of Administrative Services.

ARTICLE VII
Personnel System

§ 701. Job discrimination.

No individual shall be discriminated against with respect to any position or office because of age, gender, race, creed, handicap, color, religion, ancestry, veteran status, national origin, sexual orientation, political opinions or affiliations, or lawful activity in any employee organization. The City shall adopt adequate and reasonable affirmative action policies in accordance with Pennsylvania law.

§ 702. Personnel system and personnel code.

Each elected official, officer, and employee of the City shall be a member of either the career or exempt service.

(a) The exempt service shall consist of:

(i) All elected officials;

(ii) The Managing Director and the City Solicitor;

(iii) The heads of departments, offices, and agencies immediately under the direction and supervision of the Managing Director;

(iv) One Clerk or secretary for each of the full-time elected City officials and the heads of each City department;

(v) The City Clerk;

(vi) The members of authorities, boards, and commissions;

(vii) Temporary, part-time, or seasonal employees;

(b) All other officers and employees shall be members of the career service.

(c) Merit personnel system. There shall be a merit personnel system, the purpose of which shall be to require that all personnel decisions be made solely on the basis of merit and qualifications, applicable to all employees. Any appointment, promotion, transfer, demotion, suspension, dismissal, or disciplinary action shall be carried out in accordance with the merit personnel system.

§ 703. Personnel Code.

Within six months of the effective date of this Charter and as a part of the Reading City Code, City Council shall enact and from time to time may amend a Personnel Code for all City employees.[9] It shall be the goal of the Personnel Code to provide for merit selection for all applicable positions; establish well-defined job descriptions with salaries to be reviewed on a regular basis; provide for fair and objective annual employee evaluations; provide equal access to employee training; promotion from within the career service; and ensure payment on an equal worth basis. The Personnel Code shall include, but not be limited to, the following:

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9. Editor's Note: See Ch. 70, Personnel.

(a) Classification of all City positions based on the duties, authority and responsibility of each position with adequate provisions for reclassification of any position when needed;

(b) Well-defined job descriptions for all City positions;

(c) Well-defined provisions for salary, fringe benefits such as sick and vacation leave, holidays, overtime and salary administration, including a uniform pay plan for all City positions;

(d) Procedures concerning the substance, procedure, and enforcement of a merit personnel system, including fair and objective annual employee evaluations;

(e) Procedures for the recruitment, selection, training, and development of personnel, based solely on merit and qualifications;

(f) Procedures for advancement based on merit and qualifications with emphasis on promotion from within the career service;

(g) Procedures concerning the discipline and discharge of personnel, including reduction in force;

(h) Procedures providing for in-house training programs for personnel;

(i) Procedures for those holding provisional appointments;

(j) Procedures establishing grievance procedures, with final hearings on such grievance to be held by the Mayor or Managing Director;

(k) Procedures governing relationship with employee organizations; and

(l) Any other procedures necessary for the administration of personnel.

§ 704. Collective bargaining agreements.

No personnel procedures or policies established under the provisions of this Charter shall conflict with acts of the General Assembly providing for collective bargaining and labor agreement administration. Nothing in this Charter or any ordinances passed by City Council shall interfere with any lawful collective bargaining agreement entered into between the City and representatives of its employees.

§ 705. Compensation of heads of departments, offices and agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment, shall reside in the City. City residency shall be required within 12 months of being appointed.

§ 706. Political activity.

All employees are prohibited from engaging in any form of political activity during regular work hours and are prohibited from using City facilities or property for any political activity. Violation

of this section will warrant discharge or other discipline under the provisions of the Personnel Code.

ARTICLE VIII
City Solicitor

§ 801. Qualifications and responsibilities.

(a) The Mayor shall appoint, with the approval of Council, a Solicitor who shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Solicitor, as Head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council, and all City departments and agencies; and shall represent the City in all legal proceedings and shall perform such other duties prescribed by law, by this Charter, by the City Administrative Code or action of Council. It is the intent of this Charter that only one person shall be the legal advisor of the City except as may be otherwise required by law.

(b) The Mayor, with the approval of Council, shall have the power, if needed, to engage other temporary Solicitors to represent the City as the need may be. Such appointments shall be temporary and shall be for the purpose of representing the City in specific individual legal matters. Such representation shall be secured by requests for proposal.

ARTICLE IX
Financial Procedures

§ 901. Fiscal year.

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

§ 902. Submission of balanced budget and capital program. [Amended at the November 2007 General Election]

On or before 90 days prior to the ensuing fiscal year, the department heads will submit proposed budget and capital program to the Managing Director. On or before 90 days prior to the ensuing fiscal year, the Mayor will submit to the City Council a balanced budget, capital program, and an accompanying message. The proposed balanced budget and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

§ 903. Budget message.

The Budget shall be accompanied by a message which shall include:

(a) An explanation of the expenditures and revenues in the proposed budget, indicating and explaining major changes from the current year and the prior year.

(b) An outline of proposed programs and an explanation of new, expanded, or abolished programs or functions.

(c) A summary of the City's debt position.

(d) Such other material that will inform the Council and the public of municipal goals.

§ 904. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

(a) It shall begin with a general summary of its contents.

(b) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

(c) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

(d) It shall detail the number, salary, and benefits of proposed employees in every job classification. This detail shall be delivered to City Council in a form acceptable to be included in the Annual Position Ordinance adopted in unison with the Budget Ordinance. It is expressly understood the Annual Position Ordinance must be amended prior to

actual hiring of City personnel exceeding that authorized by the current Annual Position Ordinance. **[Amended at the November 2014 General Election]**

(e) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding four fiscal years.

(f) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.

(g) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual budget and submit to Council with appropriate supporting information as to the necessity for such programs.

(h) It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

§ 905. City Council action on budget.

(a) Notice and hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the budget with a notice stating:

(1) The times and places where copies of the budget message and budget document are available for inspection by the public.

(2) The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.

(3) The proposed budget shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

(b) Amendment before adoption. After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.

If the amended budget increases, decreases, or readjusts funding requirements by more than 5%, or adds or deletes a program, the budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three normal City workdays.

Council shall provide for another public hearing to be held within five days after the Mayor has resubmitted the budget.

(c) Adoption. Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a budget by December 15th, then the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.

§ 906. Revised budget.

Notwithstanding any other provisions of this article, when the fiscal year of the City is the calendar year, in any year following a municipal election year, the Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Council. The procedures for adopting a revised budget shall be in accordance with §§ 905, 906, with the time periods adjusted to 45 days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance of the previous Council. It is the intent of this Charter that a new Council, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Council.

§ 907. Appropriation and revenue ordinance.

For 1996, this Charter shall provide for collection of income from real estate taxes which, in total amount, does not exceed 105% of the real estate tax income actually collected by the City during 1995. For those years following 1996, it shall provide for collection of income from real estate taxes which, in total amount, does not exceed 105% of the real estate tax income actually collected in the previous year. Any collection of income from the real estate tax by the City in excess of the amounts allowed by this section shall not be expended but shall be retained for use in the subsequent year and be used in the next year subsequent to reduce the amount of income needed by the City in said subsequent year. With the approval of the Court of Common Pleas, upon good cause shown, or by referendum or Charter review, the City may increase the amount of income collected, notwithstanding the provisions of this section.

§ 908. Amendments after adoption.

(a) Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 220 of this Charter.

(b) Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the budget.

(c) Transfer of appropriations shall be made in accordance with the provisions of § 215. **[Amended at the November 2014 General Election]**

§ 909. Lapse of appropriation.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

§ 910. Administration of the budget and capital program.

The Mayor shall be responsible for and with the assistance of the Managing Director shall supervise the administration of the annual and capital budgets.

§ 911. Capital program.

(a) Submission to City Council. The Mayor shall prepare and submit to the City Council a five-year capital program no later than the final date for submission of the budget.

(b) Contents of capital program. The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each;

(3) Cost estimates and recommended time schedules for each improvement of other capital expenditure;

(4) Method of financing, upon which each capital expenditure is to be reliant;

(5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and

(6) All capital projects must be included in the Capital Program Budget.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(c) Financing capital projects. Bonds required for Financing Capital Projects shall be secured by competitive bidding.

(d) Capital projects approved. proposed capital projects in the capital programs must be considered on their own individual merits by the Administrative Services Director, the City Auditor, and the proposer of the project. The procedures to approve the individual capital projects are:

(1) Preliminary feasibility study. The capital project preliminary feasibility study shall include:

(i) A clear general summary of its purpose and justification.

(ii) The cost estimates and time schedule for the capital project including the cost of the post-project completion audit.

(iii) The method of financing and sources upon which this capital project is reliant.

(iv) The annual cost of operating and maintaining the project to be constructed or acquired.

The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

(2) Final proposal and financing. The final capital project proposal and financing shall include:

(i) A clear general summary of its purpose and justification.

(ii) The cost estimates and time schedule for the capital project including the cost of the post-project completion audit.

(iii) The method of financing and sources upon which this capital project is reliant.

(iv) The annual cost of operating and maintaining the project to be constructed or acquired.

(v) This final capital project proposal will be published and made available for the public to review (Use Notice and Hearing Notice, § 912). Capital project replaces capital program. The final Council approval of capital projects will require five votes to approve.

(3) Capital project reporting.

(a) Current projects. All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Administrative Services Director and the project manager to the City Council in such a form that it is available to the public.

(b) Extended projects. If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained, the project must go through § 911(d)(1) and (2).

(4) Post-project completion audit. Following completion of the capital project, a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

§ 912. City Council action on capital program.

(a) Notice and hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the capital program with a notice stating:

(1) The times and places where copies of the capital program message and capital program document are available for inspection by the public.

(2) The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the capital program. The public hearing shall not be on the date of a regular Council meeting or on hearing date of the operating budget.

(3) The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

(b) Adoption. Council must adopt an annual capital program by no later than December 15th of the fiscal year currently ending. If Council fails to adopt a capital program by December

15th, then the Mayor's original capital program shall become the official capital program of the City for the ensuing fiscal year.

§ 913. Public records.

Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City.

§ 914. Independent audit.

The Council shall provide for an annual independent audit to be completed and submitted to the Mayor within 180 days of the close of the fiscal year. It shall include City receipts, expenditures, accounts and reports by a Pennsylvania Certified Public Accountant or a Certified Public Accounting firm, experienced in municipal finance, having no personal interest, direct or indirect, in the fiscal affairs of the City or any of its elected or appointed personnel. The Council may provide for more frequent audits at its discretion. Within 30 days of completion, the Mayor shall present to the Council the results of the annual audit and a financial statement of the fiscal affairs of the City, with the results of the independent auditor's survey of internal control and any recommendations thereon. The evaluation of the internal control shall take the form of a management letter. This management letter shall be submitted to the City Council after every audit. A summary of the annual audit of the independent auditor shall be published at least once in one or more newspapers of general circulation in the City within 30 days after submission to the Mayor. The annual audit shall be conducted in accordance with generally accepted auditing standards. The financial report shall be prepared in accordance with generally accepted accounting principles, and shall include a balance sheet for each fund, and on a consolidated fund basis reflecting all current assets, current liabilities and fund balances. The Council shall designate such accountant or firm annually or for a period not exceeding three years.

§ 915. Bidding process.

(a) Whenever the estimated cost of any construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City shall exceed $10,000, it shall be the duty of the City to have such work performed pursuant to a contract awarded to the lowest responsible bidder [subject to Subsection (d)], after advertisement for bids. Every such contract shall contain a provision obligating the contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not the said material, labor, equipment or service enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, copartnership, association or corporation who, as subcontractor or otherwise, has furnished material, supplied or performed labor, rented equipment or services in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any such person, copartnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment.

(b) Whenever the estimated costs of any purchase of supplies, materials or equipment or the rental of any equipment, whether or not the same is to be used in connection with the construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City, shall exceed $10,000, it shall be the duty of

the City to have such purchase or rental made pursuant to a contract awarded to the lowest responsible bidder [subject to Subsection (d)], after advertisement for bids, such advertisement to be inserted in a newspaper of general circulation in Berks County.

(1) The City shall not evade the provisions of Subsection (a) or (b) as to advertising for bids by purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under $10,000 upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than $10,000. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts, each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below said price, when, in either case, the transactions involved should have been made as one transaction for one price.

(2) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed $4,000 but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations and written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(c) The City shall require as a condition of the award of any contract, pursuant to Subsection (a) or (b) of this section, that the contractor give to the City any bond or letter of credit (including bonds for the performance of the contract, and for the prompt payment by the contractor for material, supplies, labor, services and equipment) which are prescribed by law for contracts awarded by cities of the third class.

(d) Notwithstanding anything to the contrary contained in this section. City Council may, in those cases where an individual or company with headquarters in the City submits a bid which is within 10% of the lowest bid, award the contract to said individual or company. In acting pursuant to this provision, City Council shall find that such an award will be in the best interests of the citizens of the City. The City Council must show just cause for the awarding of such contracts to locally owned companies who provide local labor, materials or produced goods.

(e) All contracts shall be on file in the office of the City Auditor and shall be available for public inspection during normal business hours.

ARTICLE X
Boards and Commissions[10]

§ 1001. Establishment.

(a) By ordinance.

(i) City Council shall encourage the participation of citizens in their government through the establishment of boards and commissions to carry out City business. Such boards and commissions shall be established by ordinance including a clear statement of whether they shall be advisory in nature or they shall have power and authority under City ordinance or state or federal code.

(ii) City Council may not change the powers or authority of any board or commission except by ordinance.

(iii) City Council may by ordinance abolish any board or commission not established by state or federal mandate or by this Charter.

§ 1002. Membership.

(a) Appointments. City Council shall approve all appointments for each board and commission. Broad citizen participation shall be encouraged in recruiting appointees and making appointments. No appointee of any board or commission shall hold any other elected public office or any compensated position for the City.

(b) Vacancies. Any vacancy caused by death or resignation shall be filled promptly pursuant to the procedure set forth in § 309(b). The person so appointed shall serve for the unexpired term of the person vacating such position.

(c) Qualifications. As a general rule, members of boards and commissions shall be residents of the City. At the discretion of Council, persons not residents of the City, but who have a significant property or business interest in the City, may be selected to serve. No person may concurrently serve on more than one authority, board, or commission.

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10. Editor's Note: See Ch. 23, Boards, Commissions, Committees and Councils.

ARTICLE XI
Citizen's Rights and Participation[11]

§ 1101. General provisions.

The Council shall protect and promote the right of the citizens of the City of Reading to participate in a positive and constructive manner in the government of the City. Any citizen of the City may participate in the government of the City by:

(a) Seeking elective office of the City as prescribed by this Charter and voting for candidates for elective office;

(b) Serving on boards, commissions, authorities or other agencies of the City government when requested by the appropriate officials;

(c) Attending and being heard at public meetings of the Council and other boards, commissions, authorities and agencies of the City government;

(d) Addressing suggestions to the Council and others to provide guidance for their actions;

(e) Exercising the right of initiative, referendum, and recall of elected officials as provided in this Charter or as otherwise may be provided by law.

§ 1102. Initiative and referendum.

(a) Initiative. The qualified voters of the City shall have the power to propose ordinances to the Council. If the Council fails to adopt such an ordinance, the initiative process may be commenced giving the qualified voters of the City the opportunity to adopt or reject said ordinance at a City election.

(b) Referendum. The qualified voters of the City shall have the power to require reconsideration by the Council of any adopted ordinance. If the Council fails to repeal an ordinance so reconsidered, the referendum process may be commenced, giving the qualified voters of the City the opportunity to approve or reject said ordinance at a City election.

§ 1103. Initiative and referendum; commencement of proceedings; Petitioners Committee; affidavit.

(a) Any five qualified voters of the City may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the Committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. In case of referendum, such an affidavit must be filed within 10 days of the adoption of the ordinance. Within five days after the affidavit of the Petitioners' Committee is filed and validated, the City Clerk shall issue the appropriate petition blanks to the petitioners.

§ 1104. Initiative and referendum; petitions.

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11. Editor's Note: See also Ch. 51, Initiative and Referendum.

(a) Number of signatures. Initiative and referendum petitions must be signed by 2,000 qualified voters of the City.

(b) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall include the address of the person signing and the date signed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of circulator. Each paper of a petition shall have attached to it when filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for filing referendum petitions. Referendum petitions must be filed within 35 days after the filing of the affidavit of the Petitioners' Committee.

(e) Time for circulation and filing initiative petitions. Initiative petitions must be circulated and signed within a period of 65 days from the date of the filing of the affidavit of the Petitioners' Committee with the City Clerk.

§ 1105. Initiative and referendum; procedure after filing.

(a) Certificate of Clerk; amendment. Within 20 days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the Petitioners' Committee files a notice of intention to amend it with the City Clerk within two days after receiving the copy of the certificate and files a supplementary petition upon additional papers within 10 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Subsections (b) and (c) of § 1104, and within five days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend or request Council review under Subsection (b) of this section within the time required, the City Clerk shall promptly present their certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) Council review. If a petition has been certified insufficient and the Petitioners' Committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the Committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(c) Court review; new petition. A final determination as to the insufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

§ 1106. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

(a) There is a final determination of insufficiency of the petition; or

(b) The Petitioners' Committee withdraws the petition; or

(c) The Council repeals the ordinance; or

(d) Thirty-five days have elapsed since the issue of the affidavit and the required number of signatures have not been secured.

§ 1107. Initiative and referendum; action on petitions.

(a) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Article II or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.

(b) Submission to voters. The question shall be placed on the ballot at the next primary, municipal or general election occurring at least 35 days after final Council action. Copies of the proposed and referred ordinance shall be made available at the voting precincts.

(c) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the 45th day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force of effect, and all proceedings thereon shall be terminated.

§ 1108. Initiative and referendum; results of election.

(a) Initiative. If a majority of the qualified voters voting on a proposed initiative vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum. If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election.

§ 1109. Initiative and referendum; limitations.

(a) Default of initiative and referendum. Any ordinance proposed or sought to be reconsidered which is rejected by the qualified voters in an election cannot be resubmitted for initiative

and referendum for a period of two years from the date of the election where the ordinance was defeated.

(b) Repeal or modification of initiative and referendum by Council. The Council shall take no action to repeal or significantly modify an ordinance adopted by initiative and referendum within a period of two years from the date of the election at which the ordinance was approved.

(c) Limit on the number of initiative and referendum. No more than two initiative and two referendum measures may be placed on the ballot at any primary, municipal or general election. The first two initiative and referendum measures which are filed with the City Clerk will be the only ones allowed on the ballot.

§ 1110. Recall of elected officials.

Any person holding an elective office in the government of the City of Reading, whether by election, succession or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided in this Charter or as may otherwise be required by general law.

(a) Recall petition. Any five qualified voters of the City may commence recall proceedings by filing with the City Clerk an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the Committee are to be sent. Within five days after the affidavit of the Petitioners' Committee is filed and validated, the City Clerk shall issue the appropriate petition blanks to the petitioners. Only qualified voters of the City may circulate such petitions.

A recall of an incumbent of an elective office shall be initiated upon petition signed by 30% of the registered voters, in the City/District, voting in the previous year's general election. Every recall petition shall name the office and officer against whom it is directed. Each voter shall place their signature, complete address and date of signing of the petition.

Signatures on a recall petition may be on separate sheets. Each sheet shall show the name of the person whose recall is sought and have appended to it a notarized affidavit of the circulator of the petition stating that it was personally circulated and that all signatures were personally affixed in the presence of the circulator, that to the best of the affiant's knowledge and belief, the persons whose signatures appear on the sheet are registered voters of the City of Reading.

(b) Filing of petition. A recall petition shall be tendered for filing to the City Clerk. No signature shall be counted as valid which is dated more than 60 days prior to the date the petition is tendered for filing. Upon submission to the City Clerk, the petition shall be available for examination by any interested person. Within five days after tender of the petition, the City Clerk shall have the authority to pass upon the validation of the petition and the validation of the number of signatures required therein. The decision of the City Clerk shall be subject to immediate review on appeal to the Court of Common Pleas.

(c) Notice to incumbent. As soon as the City Clerk has received a recall petition for filing and determined its validity and sufficiency, the City Clerk shall notify the incumbent named in the petition that the petition has been filed. Upon receipt of such notice, the incumbent may resign from office and thereupon the recall proceedings shall terminate.

(d) Recall election. If the incumbent against whom the recall petition is directed does not resign from office within 10 days after notice of filing of such petition shall have been given to the incumbent, the election officers shall arrange a recall election. The recall election shall be held at the first regularly scheduled election, municipal, general, or primary, which shall occur not less than 40 days after the incumbent has been notified as provided above. The incumbent against whom a recall petition is directed may resign at any time prior to a recall election and thereupon the election for this purpose shall not be held.

(e) Recall question. The following question shall be presented to each elector entitled to vote on the recall question:

"Shall (name of officer) be recalled and removed from the office of (name of office)"?

The above question shall appear as to every officer whose recall is to be voted upon and provisions shall be made for the elector to vote "YES" or "NO" to the question.

(f) Results of election. If a majority of the registered electors who vote on the question at a recall election shall vote "YES," the incumbent shall be deemed recalled and removed from office, but if a majority of such registered electors shall vote "NO," the incumbent shall remain in office. Should the result of such election be affirmative, the date of the removal and vacancy in the office shall be effective seven days after the date when the results of the election are certified by the County Board of Elections, unless such date is further postponed by order of a court.

(g) Filling of vacancy. The filling of a vacancy created by the recall of an elected official shall be in accordance with the provisions of this Charter with respect to filling vacancies in the office involved.

(h) Disqualification for office. No person who has been removed from an elective office by a recall election, or has resigned from such an elective office after a recall petition directed to such person has been filed, shall be eligible for election or appointment to any office of the City government or any board, authority, or commission within five years after removal from office or resignation.

(i) Limitations. There may be only one recall attempt during each term of an elected official.

§ 1111. Citizens right to place an item of the City Council agenda.

(a) The qualified voters of the City of Reading, upon receipt of a petition by the City Clerk, may enter one agenda item on the regular agenda of City Council.

(b) The petition filed with the City Clerk must contain the signatures and addresses of 35 duly qualified voters of the City and the item to be placed on the agenda of City Council for discussion/consideration before Council. Upon receipt of such petition and a two-day review/certification period of the petition by the City Clerk, the President of City Council must include the item on the agenda at the next regularly scheduled meeting of City Council.

§ 1112. Citizens rights to call a special meeting of City Council.

(a) The qualified voters of the City of Reading, upon filing a signed petition with the City Clerk, may require the City Council to hold a special meeting.

(b) The petition filed with the City Clerk must contain the signatures and addresses of 200 duly qualified voters of the City and the purpose for which the meeting is being called. Upon receipt of such petition and a two-day review/certification period of the petition by the City Clerk, the President of City Council must convene the special meeting on an evening within 14 days of the certification.

(c) The public notification process will adhere to the special meetings provisions of this Charter.

§ 1113. Council submission for initiative of certain proposals. [Added at the November 2014 General Election]

Wherever there is a proposal to sell, lease or enter into a concession agreement, for a period longer than 10 years, other than to or with a municipal authority created by the City, with respect to any City asset or combination of assets with a market value that is, or may be, in excess of $10,000,000, Council shall submit the proposal to citizen initiative at the next election legally possible.

ARTICLE XII
General Provisions

§ 1201. Conflict of interest and Code of Ethics.

(a) Conflicts of interest. The use of public office for private gain is prohibited. No elected official, officer, or employee shall (i) act in an official capacity on matters in which the employee or official has a private financial interest clearly separate from that of the general public; (ii) accept gifts and other things of value in return for a favorable decision or vote. In all cases, gifts received must be publicly recorded and submitted to the City Clerk specifying the date received, the name and address of the donor, and the value of the gift; (iii) act in a private capacity on matters dealt with as a public official or employee; (iv) use confidential information for personal gain; and (v) appear before City departments, offices, and agencies on behalf of private interests.

(b) Code of Ethics.[12] As a part of the Administrative Code, City Council shall adopt and enact a City Code of Ethics within one year of the effective date of this Charter which shall apply to all elected officials, officers, and employees. The Code of Ethics shall adopt regulations implementing the conflict of interest provision set forth above, shall provide for reasonable public disclosure of finances by officials with major decisionmaking authority over monetary expenditures and contractual matters, and insofar as permissible under state law, provide for fines and imprisonment for violations.

(c) Board of Ethics. The Mayor, with the approval of City Council, shall establish an independent Board of Ethics consisting of five City residents holding terms of three years, to administer and enforce the conflict of interest provision § 1201 of this Charter and the prohibition sections of this Charter. No member of the Board may hold elective or City office under the City or any other government or hold any political party office. Insofar as possible under state law, the Mayor shall authorize the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to consult with independent counsel. City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it. Members of the Board of Ethics may be removed by the Mayor with the consent of City Council.

§ 1202. Prohibitions.

(a) Activities prohibited.

(i) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.

(ii) No person who seeks appointment or promotion to any City position or appointive City administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion, or proposed promotion.

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12. Editor's Note: See Ch. 5, Part 10, Code of Ethics.

(iii) No elected City official shall knowingly or willfully solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose to be used in conjunction with any City election from any City employee.

(b) Penalties. Any person found in violation of this section by the Board of Ethics and confirmed by Council shall be ineligible for a period of five years following such decision to hold any City office or position, and if an officer or employee of the City, such person shall immediately forfeit his or her office or position. City Council shall establish by ordinance such further penalties as it may deem appropriate.

§ 1203. Review of Charter. [Amended at the November 2014 General Election]

At least every five years, but no sooner than every three years, City Council and the Mayor shall appoint a Charter Review Commission composed of 11 members. To avoid conflict of interest, no elected City official or employee shall serve on the Charter Review Commission. Nothing herein shall preclude such officials from attending or participating in the actions of the Commission. Seven members of this Commission shall be appointed by City Council and four members shall be appointed by the Mayor. All appointees shall be current residents and registered voters of the City. The Charter Review Commission shall review the current Charter, submit a report to the City Council, the Mayor, and the citizens of the City, within six months of its appointment, and recommend any proposed amendments to the Charter. City Council and the Mayor, by ordinance, shall place all proposed amendments on the ballot no later than the next municipal election. City Council shall provide appropriations for the reasonable expenses incurred by the Charter Review Commission.

§ 1204. Amendments.

The Charter shall be amended by:

(a) The citizens of the City through the initiative process provided by this Charter;

(b) City Council through referendum; or

(c) A Charter Review Commission by amendments being placed on the ballot in accordance with § 1103 of this Charter;

(d) Proposed amendments by a Charter Review Commission being placed on the ballot in accordance with § 1203 of this Charter.

ARTICLE XIII
Transition

§ 1301. Purpose of article.

The purposes of this article are to establish an orderly procedure for the transition to the new form of government provided by this Charter. The provisions of this article address the transition from the existing form of government to the form of government established by this Charter. Where inconsistent with the preceding articles of this Charter, the provisions of this article shall constitute temporary exceptions.

§ 1302. Effective date.

This Charter shall be submitted to the voters at the general election of 1993, and if adopted, shall take effect on the first Monday of January 1996. However, to the extent necessary to comply with the other provisions of this article governing the period between the date of adoption and the effective date of this Charter, this Charter shall be implemented upon the date of adoption.

§ 1303. Initial elections.

(a) 1995 election. The following elected officials shall be nominated at the primary election in May 1995 and shall be elected at the municipal election in November 1995 for the following terms:

(i) One Mayor, for a term of four years; and

(ii) Five members of City Council as follows: The at-large President of Council shall be elected for a two-year term. Of the four members elected by district, the three members shall serve for an initial term of four years, and one member shall serve for an initial term of two years. The districts to be represented in this election will be determined by the Transition Committee. The two carryover Council members from the previous term shall fulfill the term of their office. Commencing at the succeeding municipal election and at all subsequent elections, all Council members shall be elected for four-year terms.

(b) Vacancy. If any of the elected offices becomes vacant between the time this Charter is effective and January 1, 1998, such vacancy shall be filled as provided for in this Charter.

§ 1304. Initial salaries of elected officials.

The members of City Council elected at the municipal election of 1995 shall be initially compensated at the annual salaries set forth in Article II. These salaries of elected officials shall continue until changed in accordance with this Charter.

§ 1305. Continuation of boards and commissions.

All boards and commissions established for or under the authority of the City before the effective date of this Charter shall continue to exist and operate unless abolished by this Charter or by ordinance of City Council. Members of the boards and commissions existing on the effective date of this Charter and not abolished by its provisions shall remain in office for as long as their respective terms continue or until the status of their respective boards or commissions shall be

altered by City Council. Vacancies in the membership of such boards and commissions shall be filled in accordance with this Charter.

§ 1306. Specific transfer of functions.

The duties, functions, and powers assigned by law and not inconsistent with this Charter are hereby transferred to City Council or to the Mayor or Managing Director in accordance with this Charter. If a department, office or agency is abolished by this Charter, its functions, powers, and duties shall be transferred to the department, office or agency designated by the Charter or, if the Charter makes no such provision, as designated by ordinance. All departments, offices and agencies shall continue until abolished or modified.

§ 1307. Personnel.

(a) Charter effect on employees. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of individuals who are employees of the City on the effective date of this Charter as to salary, tenure, residency, retirement, or pension benefits; employments; leave with pay; or other personal rights. Nothing in this Charter shall diminish the rights and privileges of any former employees in their pension or retirement benefits.

(b) Exemption from competitive tests. Any employee holding a position with the City at the time this Charter takes effect who is serving in the same or comparable position at the time of its adoption shall not be subject to competitive tests as a condition for continuance in the same position, but in all respects shall be subject to the personnel system provided for in this Charter.

(c) Personnel action. Until approval by City Council of the Personnel Code required by § 703, the Mayor, in consultation with the Managing Director, shall have the power to establish by written directive a personnel system for all employees. All appointments and promotions, except additions to the exempt service, shall be made on the basis of merit and fitness. All personnel actions shall be in accordance with the provisions of a personnel system established by such written directive. Copies of all such directives shall be forwarded by the Mayor to City Council within 24 hours after being issued.

§ 1308. 1996 budget.

The City Council in office in 1995 shall prepare and adopt in 1995 the budget for 1996, complying insofar as possible with the provisions of this Charter. This shall in no way limit the power of City Council taking office on the first Monday of January 1996 to revise the 1996 budget as authorized by law and by this Charter.

§ 1309. Legal continuity.

(a) City laws. All City ordinances, resolutions, rules, and regulations which are in force on the effective date of this Charter, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

(b) Legal actions. All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the City shall continue except as modified pursuant to the provisions of this Charter.

(c) Property, records, and equipment. All property, records, and equipment of any agency existing on the effective date of this Charter shall be transferred to the agency assuming its powers and duties; but in the event that the powers and duties are to be discontinued or divided between agencies, or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more agencies designated by City Council in accordance with this Charter.

§ 1310. Temporary ordinances.

In order to effect the transition of government under this Charter, City Council shall have the power to enact temporary ordinances. A temporary ordinance may be introduced and passed at any regular meeting of City Council during the three-month period following the effective date of this Charter. It shall become effective immediately after passage and shall automatically stand repealed at the end of six months after the effective date of this Charter. A temporary ordinance shall not be renewed or otherwise continued except as in the manner prescribed by this Charter for the regular consideration and adoption of ordinances.

§ 1311. Mandatory acts.

Within six months after the effective date of this Charter, City Council and the Mayor or Managing Director shall adopt or enact the codes mandated by §§ 601, 703, 902 and 1002 of this Charter.

§ 1312. Council districts.

(a) From the date of adoption of this Charter until changed otherwise, the districts are comprised as follows, and one member of the City Council shall be elected from each district:

(1) District 1.

1st Ward

2nd Ward — 1st precinct

4th Ward

5th Ward

18th Ward

(2) District 2.

2nd Ward — 2nd precinct

3rd Ward — 1st precinct

10th Ward

16th Ward

9th Ward — 5th precinct

(3) District 3.

3rd Ward — 2nd precinct

8th Ward

9th Ward — 2nd precinct

11th Ward

17th Ward — 3rd and 5th precincts

(4) District 4.

13th Ward

17th Ward

(5) District 5.

14th Ward — 6th precinct

15th Ward

19th Ward

(6) District 6.

6th Ward

7th Ward

12th Ward — 1st precinct

14th Ward — 1st, 4th and 5th precincts

(b) The boundaries of the existing Council districts, created in 1993 by the Charter Commission, as recommended by the Redistricting Committee, are amended as follows:[13]

(1) District 1.

(i) 1st Ward — 1st precinct.

(ii) 2nd Ward — 1st precinct.

(iii) 3rd Ward — 1st precinct.

(iv) 18th Ward — 1st, 2nd, 3rd and 4th precincts.

(2) District 2.

(i) 3rd Ward — 2nd precinct.

(ii) 8th Ward — 1st precinct.

(iii) 10th Ward — 1st precinct.

(iv) 16th Ward — 1st, 2nd, 4th and 5th precincts.

(3) District 3.

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13. Editor's Note: The subsection was enacted pursuant to Ord. No. 3-2012, adopted 1-23-2012. See § 5-215, Council districts, of the City Code.

(i) 9th Ward — 2nd and 5th precincts.

(ii) 11th Ward — 2nd and 3rd precincts.

(iii) 12th Ward — 1st, 3rd and 5th precincts.

(iv) 13th Ward — 1st precinct.

(4) District 4.

(i) 13th Ward — 2nd and 5th precincts.

(ii) 17th Ward — 1st, 2nd, 5th, 7th and 8th precincts.

(5) District 5.

(i) 14th Ward — 6th precinct.

(ii) 15th Ward — 1st, 2nd, 6th and 7th precincts.

(iii) 19th Ward — 1st and 2nd precincts.

(6) District 6.

(i) 4th Ward — 1st precinct.

(ii) 5th Ward — 1st precinct.

(iii) 6th Ward — 1st and 3rd precincts.

(iv) 7th Ward — 1st precinct.

(v) 14th Ward — 1st, 4th and 5th precincts.

§ 1313. Transition Committee.

(a) Establishment and powers. On or before January 1, 1995, there shall be a Transition Committee established consisting of 11 persons to facilitate the transition from the existing form of government to the form of government established by this Charter. The Transition Committee may draft necessary ordinances, rules, and regulations, including the Administrative, Fiscal and Personnel Codes in order that they may be adopted on or after the effective date of this Charter.

(b) Membership. The Transition Committee shall include:

(i) The current Mayor;

(ii) One member of current City Council;

(iii) Three members of the Reading City Government Study Commission, said members to be selected by the Chairperson of the Commission; and

(iv) Three staff employees of the City of Reading, including one from personnel and one from finance, such employees to be selected by the Mayor.

(v) Three qualified voters of the City, said individuals to be appointed by current City Council.

(c) Vacancies. Any vacancy on the Transition Committee shall be filled by a majority of the remaining members of the Transition Committee.

(d) Compensation. The Transition Committee shall serve without compensation but shall be reimbursed for legitimate expenses.

C Attachment 1

Charter Amendments Approved by Referendum

November 2002 — Creating the Charter Board and affirming the supremacy of the Charter (see Ch. 23, Part 6, Charter Board; see Amendment I to the Charter).

November 2007 — Adding the definition of "Residency" to § 105(d) and amending § 902 by changing the submission date of the budget from 60 days prior to the ensuing fiscal year (November 1) to 90 days prior to the ensuing fiscal year (October 1).

November 2008 — Eliminating the link between the salary of the Mayor and Auditor, by removing the requirement for the Auditor's salary to be increased when the Mayor's salary is increased (§ 502).

May 2010 — Combining the Departments of Finance and Human Resources and calling it the Department of Administrative Services. Also replacing all references to the Director of Finance and Director of Human Resources with Director of Administrative Services in the City of Reading Home Rule Charter (§§ 607 and 705).

November 2014 — Deleting the requirement that the City Auditor be a CPA with a minimum of five years' experience in business administration, accounting, management or municipal government (§ 502).

November 2014 — Requiring appointment of a Charter Review Commission at least every five years but no sooner than every three years and prohibiting City officials or employees from serving on the Commission (§ 1203).

November 2014 — Providing authority to the Mayor to issue administrative regulation and procedure [§§ 215, 601, 602 and 908(c)].

November 2014 — Removing duplicative language and clarifying the relationship between the Mayor and the Managing Director (§§ 308 and 406).

November 2014 — Requiring an amendment to the annual position ordinance to authorize hiring of City personnel when such hiring exceeds the authorized number of employees [§ 904(d)].

November 2014 — Adding a new section for Council submission for initiative of certain proposals (§ 1113).

C Attachment 2

Amendment I
Enforcement of Charter

Section 1. Supremacy of Charter

a.) **Governing law of the City.** This Charter is the governing law of the City of Reading. No action or inaction by City Council, the Administration, or any other body created by this Charter shall be taken contrary to it, whether individually or collectively, by ordinance, resolution, practice, executive order or decision, or any other means.

The wording of the Charter, and acts pursuant to it, shall in all cases be strictly construed so as to effectuate its clear intent.

b.) **Required orientation for elected officials.** Every elected City official, at the commencement of his or her initial full term of office, shall be required to satisfactorily complete a basic orientation on Home Rule Law, the Charter, the Administrative Code, and the Ethics Code. Such course shall be directed and administered by the Charter Board, with assistance from the Pennsylvania DCED, the Bar Association, the Ethics Board, and any other resources the Charter Board deems appropriate. City Council shall provide sufficient funds to ensure a thorough and professional orientation.

Any elected official who, in the determination of the Charter Board, completes this course within four months of the commencement of their initial full term will receive a bonus of $250.

Section 2. Charter Board.[1]

a.) **Composition.** Within three months of the effective date of this Amendment City Council, by ordinance, shall establish an independent Charter Board consisting of five members who shall be City residents. Members shall be appointed by the Mayor with the consent of Council and shall hold five-year terms, with the exception of 4 of the 5 original appointees who shall hold terms of one, two, three, and four years respectively. No member of the Board may hold elective or appointed office under the City or any other government, any compensated position for the City, or hold any political office.

b.) **Jurisdiction.** The Charter Board shall hear and decide all cases alleging violations of the Charter or Administrative Code, except that its jurisdiction shall not extend to any case arising under the Ethics Code or the Personnel Code. Insofar as permitted by state law the Board shall issue binding opinions, impose penalties and administrative fines, refer cases for prosecution, and conduct investigations on its own initiative and on referral or complaint. City Council shall appropriate sufficient funds to enable the Board to perform the duties assigned to it, including expenses for independent counsel and other necessary staff

[1] **Editor's Note: Refer to Ch. 23, Part 6, Charter Board, for current legislation regarding the Charter Board.**

The Charter Board shall, in addition, be responsible on an ongoing basis for educating the public and members of City government as to their rights, duties, and obligations under the Charter and Administrative Code.

c.) **Process.** Within 12 months of the effective date of this Amendment City Council shall, by ordinance, adopt regulations implementing this Section. Such ordinance shall provide penalties and other enforcement mechanisms, as well as procedures by which the Charter Board shall operate in accordance with Local Agency and other applicable law.

Any taxpayer, or any aggrieved person, may file a complaint with the Charter Board alleging a violation of the Charter or Administrative Code. The Board shall commence proceedings within 30 days of receipt of a complaint, but shall first attempt informal resolution either through the Administration or Council, as may be appropriate to the case. The Board shall issue a final decision no later than eight months from receipt of a complaint.

From the time of its appointment until the first Monday of January, 2004 the Charter Board shall, with the assistance of the Transition Committee, draft its implementing ordinance and educate itself and others as to the Charter and Administrative Code, but it shall not receive, hear, or decide any cases within its jurisdiction.

Section 3. Costs of Charter Enforcement

Any person who prevails in any legal action against the City, its officers, or agents to enforce this Charter or the Administrative and Ethics Codes pursuant to it, shall be entitled to recover all reasonable attorneys' fees and costs incurred in such action.

Section 4. Transition Committee and Effective Date

a.) **Transition Committee.** No later than the first Monday of January, 2003 there shall be established a Transition Committee of 11 members, three of whom shall be appointed by the current Mayor, three by the current City Council, and five by the chairman of the Charter Review Commission from among its members. City Council shall provide appropriations for the reasonable expenses of the Transition Committee.

The Transition Committee shall: (1) educate the public and members of City government as to the changes required by this Amendment, (2) together with the Charter Board, prepare for the initial educational course for elected officials to be conducted in the beginning of year 2004, and (3) together with the Charter Board, draft the implementing ordinances required by Section 2 of this Amendment.

If Amendment II, entitled "Mayor and City Manager", is approved at the same time as this Amendment, the Transition Committees established by both Amendments shall be the same body.

b.) **Effective date.** The effective date of this Amendment shall be the first Monday of January, 2003, except for the provisions of this Section which shall become effective upon adoption.

Chapter 1

GENERAL PROVISIONS

PART 1
Adoption of Code

§ 1-101. Approval, adoption and enactment of Code.
§ 1-102. Effect of Code on previous provisions.
§ 1-103. Repeal of legislation not contained in Code.
§ 1-104. Legislation saved from repeal; matters not affected by repeal.
§ 1-105. Inclusion of new legislation prior to adoption of Code.
§ 1-106. Nonsubstantive changes.
§ 1-107. Interpretation of provisions.
§ 1-108. Titles and headings; editor's notes.
§ 1-109. Filing of copy of Code.
§ 1-110. Amendments to Code.
§ 1-111. Code books to be kept up-to-date.
§ 1-112. Publication of notices.
§ 1-113. Altering or tampering with Code; penalties for violation.
§ 1-114. Severability.
§ 1-115. Effective date.

PART 2
Amendments During Codification

§ 1-201. Amendments to ordinances made during codification.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

PART 1
Adoption of Code
[Adopted 8-26-2013 by Ord. No. 36-2013]

§ 1-101. Approval, adoption and enactment of Code.

Pursuant to Section 1014.1 (53 P.S. § 36014.1) of the Third Class City Code, the codification of a complete body of legislation for the City of Reading, County of Berks, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code, and consisting of Chapters 1 through 600, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the City of Reading, which shall be known and is hereby designated as the "Code of the City of Reading," hereinafter referred to as the "Code."

§ 1-102. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the City Council of the City of Reading, and it is the intention of said City Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-103 below, and only new or changed provisions, as described in § 1-106 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-115 below.

§ 1-103. Repeal of legislation not contained in Code.

A. All ordinances or parts of ordinances of a general and permanent nature adopted by the City of Reading and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-115 below, except as hereinafter provided. Included in such repealed legislation is the 2001 Code of Ordinances.

B. The following items from the 2001 Code of Ordinances are specifically repealed:

(1) Ch. 1, Part J, Building Inspector Civil Service Board, and Part K, Recreation Committee.

(2) Ch. 3, Bicycle Regulations.

(3) Ch. 5, Part 10, Citizens Inspection Program.

(4) Ch. 7, Part 2, Space Heaters.

(5) Chapter 10, Part 13, City Outdoor Air Policy.

(6) Ch. 13, Part 5, Food Vending Machines and Businesses, Part 6, Milk and Milk Products, Part 7, Frozen Desserts, Part 8, Meat and Meat Products, Part 9, Poultry, and Part 11, Ambulances.

(7) Chapter 23, Swimming Pools, Part 1, Private Swimming Pools.

§ 1-104. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-103 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-103 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

A. Any ordinance adopted subsequent to December 17, 2012.

B. Any right or liability established, accrued or incurred under any legislative provision of the City prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the City or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the City.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the City or any lawful contract, obligation or agreement.

F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City or other instruments or evidence of the City's indebtedness.

G. Any ordinance adopting an annual budget or establishing an annual tax rate.

H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.

I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.

J. Any ordinance annexing land to the City.

K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.

L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.

M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.

N. Any ordinance providing for the making of public improvements.

O. Any ordinance providing for the salaries and compensation of officers and employees of the City or setting the bond of any officer or employee.

P. Any ordinance concerning changes and amendments to the Zoning Map.

Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.

§ 1-105. Inclusion of new legislation prior to adoption of Code.

All ordinances and resolutions of a general and permanent nature adopted subsequent to the date given in § 1-104A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances and resolutions shall be temporarily placed in the Code until printed supplements are included.

§ 1-106. Nonsubstantive changes.

In compiling and preparing the ordinances and resolutions of the city for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

§ 1-107. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-108. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-109. Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the City Clerk and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the City Clerk, as provided by law, and such certified copy or copies shall remain on file in the office of the City Clerk, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-110. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the City Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-111. Code books to be kept up-to-date.

It shall be the duty of the City Clerk or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the City Clerk for the use of the public. All changes in said Code and all legislation adopted by the City Council subsequent to the effective date of this codification which the City Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-112. Publication of notices.

The City Clerk, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the City. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of a copy or copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-113. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the City to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding $1,000, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 90 days.

§ 1-114. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall

not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the City Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-115. Effective date.

This ordinance shall become effective 10 days after its adoption, in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

PART 2
Amendments During Codification
[Adopted 8-26-2013 by Ord. No. 35-2013]

§ 1-201. Amendments to ordinances made during codification.

In conjunction with the adoption of the Code of the City of Reading, Berks County, Pennsylvania, 2013 ("Code"), the City Council determined that certain sections and subsections of the Code of the City of Reading required amendment. These substantive changes and revisions as set forth in Schedule A attached hereto and made a part hereof are hereby made to various ordinances included in the Code.[1] All such changes and revisions shall be deemed to be in effect as of the effective date of the Code Adoption Ordinance.

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1. **Editor's Note: In accordance with § 1-201, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Part 2. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 8-26-2013 by Ord. No. 35-2013." Schedule A, which contains a complete description of all changes, is on file in the City offices.**

Chapter 5

ADMINISTRATIVE CODE

PART 1
Short Title and Definitions.

§ 5-101. Short title.
§ 5-102. Definitions.

PART 2
Council Organization and Procedures.

§ 5-201. Role of Charter.
§ 5-202. General provisions.
§ 5-203. Organization meeting; election of officers.
§ 5-204. Meetings.
§ 5-205. Meetings to be public; electronic recording devices.
§ 5-206. Agenda.
§ 5-207. Conduct of business.
§ 5-208. Rules of procedure.
* Updated - Ordinance No. 02-2016
§ 5-209. Public participation.
§ 5-210. Committees of the Council.
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§ 5-212. Ordinances.
§ 5-213. Independent legal counsel.
§ 5-214. Redistricting process; Redistricting Advisory Commission.
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PART 3
Mayor; Chief Executive Officer

§ 5-301. Power and duties.
§ 5-302. Independent legal counsel.
§ 5-303. Termination of department directors.

PART 4
Managing Director; Chief Administrative Officer

§ 5-401. Power and duties.

PART 5
City Auditor

§ 5-501. Power and duties.

PART 6
City Clerk

§ 5-601. Duties.

PART 7
City Health Officer

§ 5-701. Duties of City Health Officer.

PART 8
Department Organization

§ 5-801. Administrative organization.
§ 5-802. Organization Charts.
§ 5-803. Department directors.
§ 5-804. Duties.
§ 5-805. Department of Administrative Services.
§ 5-806. Fiscal provisions. * Updated - Ordinance No. 34-2016
§ 5-807. Department of Public Works.
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§ 5-812. Planning Division of the Department of Community Development.

PART 9
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§ 5-901. Membership.
§ 5-902. Organization.
§ 5-903. Boards, commissions and councils.
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PART 10
Code of Ethics

§ 5-1001. Declaration of policy.
§ 5-1002. Board of Ethics.
§ 5-1003. Definitions.
§ 5-1004. Statement of financial interests.
§ 5-1005. Disclosure of confidential information.
§ 5-1006. Prohibited behaviors.
§ 5-1007. Violations and penalties; restitution.
§ 5-1008. Advisory opinions.
§ 5-1009. Complaint and investigation procedure.
§ 5-1010. Confidentiality of Board information.
§ 5-1011. Wrongful use of Board of Ethics.
§ 5-1012. Campaign contributions and reporting requirements.
Exhibit A, Purchasing Policy and Procedures Manual
Organization Charts

[HISTORY: Adopted by the City Council of the City of Reading 6-24-1996 by Ord. No. 17-1996 (Ch. 1, Part 1, of the 2001 Code of Ordinances). Amendments noted where applicable.]

PART 1
Short Title and Definitions.

§ 5-101. Short title.

This chapter shall be known and may be cited as the "Administrative Code of the City of Reading."

§ 5-102. Definitions. [Amended 4-9-2001 by Ord. No. 9-2001]

A. The following words, when used in this chapter, shall, unless the context clearly indicates otherwise, mean or indicate as follows:

ADMINISTRATIVE MANUAL — Those documents specifying operational matters of municipal units including, but not necessarily limited to, descriptions of the duties and responsibilities of subordinate units, rules, and regulations and appropriate administrative procedures, records, and reports.

ADMINISTRATIVE SERVICE — All personnel in those units of the City which are under the authority of the Managing Director.

CHARTER — The Home Rule Charter for the City of Reading approved by the voters of the City of Reading, November 1993.

CHIEF ADMINISTRATIVE OFFICER — The Managing Director.

CHIEF EXECUTIVE OFFICER — The Mayor.

CITY — The City of Reading, Pennsylvania.

COUNCIL — The City Council of the City of Reading, Pennsylvania.

HOME RULE LAW — The Home Rule Charter and Optional Plans Law, Act of 1972, April 13, No. 62, § 101 et seq.[1]

LAW — All applicable laws of the United States of America and the Commonwealth of Pennsylvania.

ORDINANCE — All ordinances of the City of Reading, including this Administrative Code.

PERSON — Any individual, partnership, association or corporation.

PRESIDENT — The President of Council.

PUBLISH — To print in a newspaper of general circulation in the City the entire document or a brief summary thereof with a listing of places where copies have been filed and times when they are available for public inspection. This may include exposure on local TV stations.

RESIDENCE — Domicile, a person's legal home; that place where a person has his true, fixed and permanent home or principal establishment, and to which whenever he has been absent he has the intention of returning. If an employee fails to establish his or her permanent residence as defined in this Part by the time specified, his or her employment within the City of Reading is terminated as of that date.

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1. **Editor's Note: See 53 Pa.C.S.A. § 2901 et seq.**

THIRD CLASS CITY CODE — The Act of June 23, 1931, P.L. No. 932, No. 317, reenacted and amended June 28, 1951, P.L. 662, No. 164, as amended.[2]

UNIT — All official components of the City government.

B. In this Part, the singular shall include the plural and the plural shall include the singular.

2. **Editor's Note: See 53 P.S. § 35101 et seq.**

PART 2
Council Organization and Procedures.

§ 5-201. Role of Charter.

The role of the Charter in interpreting this Administrative Code shall be as follows: In the event there is any inconsistency or conflict in the Charter and the provisions of this Administrative Code, the provisions of the Charter shall take precedence.

§ 5-202. General provisions.

The number of Council members, their terms, election and qualifications and the filling of Council vacancies shall be as provided in the Charter.

§ 5-203. Organization meeting; election of officers.

A. The organization meeting of the Council shall be the first meeting in each year following a municipal election. **[Amended 10-28-2013 by Ord. No. 52-2013]**

B. At the organization meeting following a municipal election, Council shall elect a Vice President and other such officers as the Council may deem appropriate to serve a two-year term. **[Amended 4-9-2001 by Ord. No. 7-2001]**

§ 5-204. Meetings.

A. Public notice. Provisions governing public notice of meetings shall be provided by Sunshine Act, 1998, P.L. 729, No. 93 (65 Pa.C.S.A. § 701 et seq.), as amended. **[Amended 8-26-2013 by Ord. No. 35-2013]**

B. Regular meetings. See Charter, § 212(b).

Editor's Note: Section 212(b) of the Charter provides:

(b) Meetings. Council shall hold a regular meeting at least twice each month in the evening on a day and place as the Council may prescribe by rule.

C. Special meetings. Special meetings may be called by the President of the Council or upon the written request of a majority of the members of the Council. A written notice shall be delivered by electronic communications to each Council member at least 24 hours before a special meeting is held. Such notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Council. Special meetings may also be called by citizens' petition as referenced in the Charter, § 1112. **[Amended 1-27-2014 by Ord. No. 7-2014]**

Editor's Note: Section 1112 of the Charter provides:

§ 1112. Citizens rights to call a special meeting of City Council.

(a) The qualified voters of the City of Reading, upon filing a signed petition with the City Clerk, may require the City Council to hold a special meeting.

(b) The petition filed with the City Clerk must contain the signatures and addresses of 200 duly qualified voters of the City and the purpose for which the meeting is being called. Upon receipt of such petition and a two-day review/certification period of the petition by the City Clerk, the President of City Council must convene the special meeting on an evening within 14 days of the certification.

(c) The public notification process will adhere to the special meetings provisions of this charter.

D. Emergency meetings. The Mayor may call an emergency meeting of Council for the purpose of taking action on an emergency by contacting the President or Vice President of Council who shall then notify the remaining members of Council about the purpose of the meeting and the time and location of the meeting. No action shall be taken at the emergency meeting unless a quorum of Council is present as provided in the Charter. In the event five Council members determine that the emergency meeting is unnecessary, the meeting shall not be held. **[Amended 1-27-2014 by Ord. No. 7-2014]**

E. Executive sessions. The Council may hold executive sessions as permitted by law. No official action shall be taken by the Council on any matter in executive session as provided for by the Sunshine Act, 1998, P.L. 729, No. 93 (65 Pa.C.S.A. § 701 et seq.), as amended. **[Amended 8-26-2013 by Ord. No. 35-2013]**

F. In the absence of the President, the Vice President shall exercise the duties of the President. In the absence of both the President and the Vice President, the Council shall appoint a President pro-tem who shall have all the powers of the President.

G. In the event a regular or special meeting needs to be postponed because of a weather emergency or similar circumstances, the Council President may determine the date and time of the postponed meeting. Reasonable efforts to fulfill the notice requirements (see Subsections A and C above) shall be made, but broadcast announcements and telephone calls to members shall be deemed to meet minimum requirements. **[Amended 1-27-2014 by Ord. No. 7-2014]**

§ 5-205. Meetings to be public; electronic recording devices. [Amended 1-23-2012 by Ord. No. 7-2012; 3-12-2012 by Ord. No. 27-2012]

All meetings of the Council shall be open to the public as provided by law and the Charter, § 212. Those using electronic recording devices, including but not limited to video cameras, to record meeting in Council Chambers shall stay behind the podium area in Council Chambers. Those recording meetings in any room other than the Penn Room shall position themselves or position the recording device no closer than the entry door to the room where the meeting is being held. No person may begin recording before the meeting is called to order by the chair of the meeting, and the recording must be terminated at the time when the meeting is adjourned.

Editor's Note: Section 212 of the Charter provides:

§ 212. Procedures.

(a) Rules. The Council shall determine its own rules and order of business.

(b) Meetings. Council shall hold a regular meeting at least twice each month in the evening on a day and place as the Council may prescribe by rule.

(c) Special meetings. Special meetings may be held on the call of the President of Council or at least four members of Council at such time and place and under such conditions as the Council may prescribe by rule.

(d) Meetings open to the public. All meetings shall be open to the public, except executive sessions as authorized by law. The chambers shall be arranged in such a way as to have all members of Council facing the public.

(e) Voting. All action shall be at a public session; shall require a majority full vote of Council, except in the case of a vote to override a veto, which shall require an affirmative vote of five members and in the case of passage of an ordinance which shall require a majority vote of Council as a whole unless otherwise specified in this Charter; voting shall be by roll-call vote, and the vote of each member of the Council shall be entered in the minutes of the meeting.

(f) Journal. The Council shall provide for keeping of a journal of its proceedings. The journal shall be a public record, and shall be maintained in City Hall and a copy in the Reading Public Library and the Berks County Law Library.

§ 5-206. Agenda.

A. The proposed agenda for a regular or special meeting of the Council shall be prepared by the City Clerk in consultation with the President or committee of Council created for that purpose.

B. The proposed agenda for an emergency meeting of the Council shall be prepared by the City Clerk in consultation with the President.

C. The proposed agenda for any regular meetings shall be forwarded to all members of the Council at least two days prior to the stated meeting and shall be posted two days prior to the meeting on the City's web site. Sufficient copies of the agenda must be available prior to the beginning of the meeting. **[Amended 1-22-2007 by Ord. No. 1-2007]**

D. The title of any ordinance or resolution to be considered shall be published as part of the agenda.

E. The published agenda may be amended at the meeting by a majority of members present, plus one, immediately after roll call. No matters other than those on the agenda as amended shall be acted upon by the Council.

§ 5-207. Conduct of business. [Amended 4-9-2001 by Ord. No. 7-2001]

A. At the time appointed for any meeting of the Council, the President shall take the Chair and call the meeting to order. If a quorum is present, as provided in the Charter, § 214, the President shall proceed with the order of business prescribed for the meeting. If, upon the call of the roll, a quorum is not present, the President shall order a recess for a reasonable period of time and if a quorum has not developed by that time, the President shall declare the meeting adjourned.

Editor's Note: Section 214 of the Charter provides:

§ 214. Quorum.

A quorum of Council shall consist of four Council members.

B. The President shall deal firmly with enforcing these rules and the rules guiding participation including, but not limited to, commotion, frivolous behavior or delaying debate and motions. The President shall see that Council debate is confined to the merits of the question and those personal comments and/or statements are avoided.

C. In the absence of the President, the Vice President shall serve as the presiding officer. If both the President and Vice President are absent, the meeting shall not be called to order unless the President has designated a member of Council, in writing, to serve as the presiding officer of that session.

D. No legislative or special legislative session in the Reading City Council shall be called to order in the absence of the City Solicitor or a staff attorney from the Council office to provide proper legal advice and avoid possible serious or potentially devastating consequences.

§ 5-208. Rules of procedure. [Amended 4-9-2001 by Ord. No. 7-2001; 3-8-2010 by Ord. No. 7-2010]

A. The standard reference of Council shall be Robert's Rules unless not specifically provided for by the Rules of Procedure herein.

B. Business is conducted by acting on motions. Once a matter has been moved and seconded, no other matter shall be taken up until the main issue is disposed of.

(1) Rule No. 1. Disclosure of interest. A member who has personal or private interest in any question, measure, bill proposed or pending before the Council shall disclose that fact to Council and shall not vote thereon. If such interested person shall vote without disclosing his interest in such question, measure or bill, Council may avoid the enactment or transaction or not, as it deems best.

(2) Rule No. 2. Proposed amendments to these rules. Amendments to these rules must be presented in writing at a nonlegislative meeting of the Council held at least one week prior to the date when the same are to be finally considered. Amendments shall be adopted by the affirmative vote of the majority of all members of Council.

(3) Rule No. 3. Suspension of rules. These rules may be suspended by the affirmative vote of the majority of all members of Council present, but the suspension shall not extend beyond the adjournment. No rule of Council, which is also subject of legislative enactment, shall be suspended.

(4) Rule No. 4. Legislation.

(a) No rule, matter, bill or resolution shall be considered by Council unless a written memorandum, brief, resolution or bill is delivered to the City Clerk by 12:00 noon on the Wednesday preceding the meeting where the matter or legislation is to be considered, introduced or enacted/adopted by Council. The City Clerk shall furnish to the Mayor and all members of Council copies of all proposed resolutions and ordinances by posting the agendas on the website. **[Amended 10-28-2013 by Ord. No. 51-2013]**

(b) Legislation referred to or being considered by a Council Committee must be returned to the full body of Council for consideration with either a positive or

negative recommendation. If the legislation is not returned in this manner, any three Council members may request that the full body, at a regular business meeting, consider the legislation.

(5) Rule No. 5. Voting.

(a) The vote upon any motion, resolution or ordinance will be taken by roll call. The City Clerk will clarify by reading aloud the content of the parliamentary motion, amendment, of the award of contract, ordinance or resolution before the roll call is taken.

(b) The yeas and nays of each Councilperson will be entered into the minutes. On the call of yeas and nays, no member shall be excused from voting as such, unless by the consent of the Council and the Solicitor, or if a bona fide conflict of interest exists as defined in Part 10, Code of Ethics, or other provisions of general law. Unless a member of Council is so excused or prevented from voting, the failure to vote shall be recorded as an affirmative vote.

(c) The City Clerk will rotate the order in which the roll is called after every vote with the exception of amendments to the main question.

(6) Rule No. 6. Duties of the presiding officer. The President of Council shall decide all questions subject to appeal by any two members of Council and have general supervision of the meeting. He shall determine the appropriate committee to which legislation and other matters shall be referred. The President of Council shall be the designated representative of the body and shall communicate the intentions of Council, with respect to professional service, contracts, legislative action and other matters, as needed.

(7) Rule No. 7. Reconsideration. A motion to reconsider a question shall be entertained only at the next legislative meeting following the one at which vote was taken. No second motion to reconsider the same motion shall be entertained.

(8) Rule No. 8. Motions to be entertained.

(a) All motions must be moved and seconded. When a question (or main motion) is under consideration, no motion shall be entertained except for:

[1] Adjournment.

[2] Previous question (2/3 vote).

[3] Lay on the table.

[4] To postpone.

[5] To commit.

[6] To amend.

[7] End debate.

[8] Call for the question.

(b) These questions have preference in the order given. The first three must be decided without debate. A motion to adjourn is always in order when the main question has been ordered put, when a member has the floor, or during a call of the yeas and nays.

(c) Motions for the previous questions to postpone or commit shall preclude amendment or debate upon the original subject. Motion to postpone shall preclude commitment.

(9) Rule No. 9. Rules of debate.

(a) Prior to debate, a bill or resolution must be placed on the table by a first and second motion of the body. The sponsor of the bill or the referring committee will have the first opportunity to make a statement. After which, each member of Council shall be entitled to make one statement on the proposed legislation. President of Council may also invite the Mayor and Managing Director to comment. All first statements shall be no longer than three minutes in length.

(b) Second statements or comments shall be entertained after each member present has been given the opportunity to speak one time and shall be no longer than two minutes in length. In the event no other Council member wishes to address the issue and no one moves to end debate or call for the question, debate will be allowed to continue. In general, it is expected that the body will make their remarks concise and focused on matter or issue proposed. Amendments or statements not relating to the question shall not be made. All such matters not relating to agenda items will be entertained after the Council business portion of the agenda.

(c) President of Council or presiding officer may, at his discretion, choose to limit debate time on each agenda item to 10 minutes, as stated in Roberts' Rules of Order.

(d) Members wishing to speak shall request recognition from the presiding officer, at which time other Council members shall not engage in dialogue or interrupt except for the following:

[1] Call for the orders of the day (when they are not being conformed to).

[2] Raising a question of privilege.

[3] Point of order (calling the member who has the floor to order or calling his attention to the fact that he is not observing the rules).

[4] Call for a separate vote on one or more subjects that are included in a single motion.

[5] Request or inquiry that requires an immediate response.

C. The body may override the presiding officer's decision on any procedural rule through the passage of a motion.

* Updated - Ordinance No. 02-2016

§ 5-209. Public participation. [Amended 3-23-1998 by Ord. No. 10-1998; 6-24-2002 by Ord. No. 29-2002; 1-26-2004 by Ord. No. 1-2004; 1-23-2006 by Ord. No. 6-2006; 1-23-2012

by Ord. No. 6-2012; 4-9-2012 by Ord. No. 43-2012; 8-26-2013 by Ord. No. 35-2013; 1-27-2014 by Ord. No. 6-2014]

These rules are intended to promote an orderly system of public comment, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his right of free speech. Public comment is permitted at the regular meetings of Council which occur on the second and fourth Mondays of each month. Public comment is not permitted at the City Council work sessions, committee meetings or Committee of the Whole meetings.

A. Regular meetings. Citizens desiring to address the Council at its regular meetings may do so by providing notice verbally or in writing by providing their name, address and the subject matter to be discussed to the City Clerk any time before 5:00 p.m. on the day of the scheduled meeting or by printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5:00 p.m. and 7:00 p.m. on the day of the scheduled meeting.

B. Special meetings. Citizens desiring to address the Council at its special meeting may do so by providing notice verbally or in writing by providing their name, address and the subject matter to be discussed to the City Clerk any time before 5:00 p.m. on the day of the scheduled meeting or by printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5:00 p.m. and 7:00 p.m. on the day of the scheduled meeting.

C. All remarks must be directed to Council as a body and not to any Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become 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 a majority vote of Council.

D. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing the Council may be called to order by the Presiding Officer, and may be barred from speaking before the Council unless permission to continue to speak is granted by a majority vote of the Council.

E. All comments by the public shall be made from the speaker's podium. 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 presentation.

F. Citizens may not ask questions of Council member or other elected or public official in attendance. However, Council members, elected or public officials may make a statement in response to comments made by citizens at the conclusion of the public comment period.

G. Public hearings. Citizens desiring to address the Council at its public hearing may do so by providing notice verbally or in writing by providing their name, address and the subject matter to be discussed to the City Clerk any time before 5:00 p.m. on the day of the scheduled hearing. Any person who fails to sign in with the City Clerk shall not be permitted to speak until all those who signed in have done so. Those testifying must limit their comments to three minutes. No person who has previously spoken during the public hearing on a particular item may speak again unless all other persons desiring to give testimony at the public hearing have spoken. A person speaking for a second time shall limit his comments to not more than one minute.

§ 5-210. Committees of the Council. [Amended 4-9-2001 by Ord. No. 7-2001]

A. The Council may, at any time, provide for standing or ad-hoc committees to assist with the carrying out of its functions. Any such committee shall thereafter report to the Council at the regularly stated meetings of that body.

B. Committees of Council may include:

(1) Finance, to include community development funds, capital improvements, audits and budget. The Chair of this Committee, or his representative, shall be a member of the City of Reading Audit Committee as per § 5-903, Boards, commissions and councils, Subsection V (see Chapter 23, Part 13, Audit Committee). **[Amended 5-14-2012 by Ord. No. 50-2012]**

(2) Public Property/Public Works to include parks, buildings, vehicles, streets and sewage.

(3) Public Safety to include fire, police, codes, health and traffic.

(4) Administrative and Land Use Oversight to include legal, personnel, housing zoning, planning and other related land use issues. **[Amended 2-11-2008 by Ord. No. 14-2008]**

(5) Research Committee to research issues requested by Council.

(6) Rules Committee to establish rules of conduct for Council.

C. Each committee shall consist of a minimum of three members of Council. Each member shall serve as appointed unless excused by a majority of the members of Council.

D. Council members shall submit their committee preferences to the City Clerk in November of a municipal election year. The President of Council will assign Council members to committees and assign committee chairs on a biennial basis. The recommendation of the President will be approved by resolution of Council at the first regular meeting of Council following a municipal election.

E. Ad-hoc committees may be appointed from time to time by motion of Council. The number of committee members and its duties shall be stated in the motion of appointment.

F. All members of Council will be informed of the committee meeting schedule and will be provided with committee agendas and any attachments thereto. All members of Council not on a given committee may attend any committee meeting and are encouraged to participate in committee discussions, but may not vote on any matter considered.

§ 5-211. Official actions of Council.

Official actions of the Council shall be taken by ordinance, resolution or motion, as provided in the Charter. An ordinance is defined as law, a rule made by authority or decree, while a resolution is policy or an expression of opinion.

§ 5-212. Ordinances. [Amended 8-26-1996 by Ord. No. 24-1996]

A. Action requiring an ordinance. In addition to requirements provided by law or the Charter, §§ 215 through 224, acts of the Council shall be by ordinance which:

Editor's Note: Sections 215 through 224 of the Charter provide:

§ 215. Ordinances in general.

Council may legislate by passage of an ordinance. All ordinances introduced shall be kept in a place accessible to the public at all reasonable times. Final action on all ordinances shall take place during public meetings.

§ 216. Form of ordinance.

Every ordinance shall have a title clearly expressing its subject and every ordinance shall contain only one subject.

§ 217. Procedures.

(a) The first reading of an ordinance may be introduced by any member at any regular or special meeting of the Council without vote.

(b) After the first reading, the City Clerk shall distribute a copy of the proposed ordinance to each Council member and to the Mayor and shall file and make available a reasonable number of copies in the office of the City Clerk.

§ 218. Final passage of ordinance resolutions.

A minimum of 14 days must intervene between introduction and passage of an ordinance unless Council finds and declares a public emergency posing a sudden, clear and present danger to life or property.

§ 219. Effective date of legislation.

Every adopted ordinance except emergency legislation shall become effective at the expiration of 30 days after passage by Council and approval by the Mayor, or repassage by Council over the Mayor's veto, or at a date specified therein, but not less than 10 days after adoption.

§ 220. Emergency ordinance.

An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists.

§ 221. Submission to Mayor and veto power.

Before any ordinance takes effect, it must first be submitted to the Mayor for approval. The Mayor shall sign the ordinance within 10 days, if approved, but if not, shall return it to Council stating objections. Council shall, at its next meeting, reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of five members of City Council.

If the Mayor fails within 10 days after any ordinance is submitted to him to sign the ordinance and/or return it to Council, such ordinance shall be considered adopted at the expiration of the ten-day period.

The veto power of the Mayor shall not apply to ordinances adopted by initiative or referendum.

§ 222. Recording of ordinances.

All ordinances shall be contained in permanent separate record books. The ordinance book and all other actions taken by Council at a public meeting shall be open and available for public inspection at normal business hours in the office of the City Clerk, and a copy in the Reading Public Library.

§ 223. Codification of ordinances.

Within three years after the effective date of this Charter, the Council shall provide for a codification with an index of ordinances of the City. No later than three months after the close of each year, Council, with the assistance of the City's legal department, shall classify ordinances according to the division and subdivision of the Code for insertion in the Code during said year.

§ 224. Action by resolution or motion.

Nothing in the article is intended to preclude Council from taking appropriate action by resolution or motion.

(1) Adopt or amend the codes or establish, alter, or abolish any unit of the City.

(2) Provide for a fine or other penalty or establish a rule or regulation for which a fine or other penalty is imposed.

(3) Levy taxes and provide for service charges, permit fees and assessments.

(4) Grant, renew or extend a franchise.

(5) Adopt and amend the annual budget and capital program budget (see Charter, §§ 905, 912 and 913).

Editor's Note: Sections 905, 912 and 913 of the Charter provide:

§ 905. City Council action on budget.

(a) Notice and hearing. Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget with a notice stating:

(1) The times and places where copies of the budget message and budget document are available for inspection by the public.

(2) The time, place and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.

(3) The proposed budget shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

(b) Amendment before adoption.

After the public hearing, the City Council may adopt the budget, with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs, or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.

If the amended budget increases, decreases or readjusts funding requirements by more than 5%, or adds or deletes a program, the Budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three normal City work days.

Council shall provide for another public hearing to be held within five days after the Mayor has resubmitted the budget.

(c) Adoption. Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a budget by December 15, then the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.

§ 912. City Council action on capital program.

(a) Notice and hearing. Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital program with a notice stating:

(1) The times and places where copies of the capital program message and capital program document are available for inspection by the public.

(2) The time, place and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the capital program. The public hearing shall not be on the date of a regular Council meeting or on hearing date of the operating budget.

(3) The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

(b) Adoption. Council must adopt an annual capital program by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a capital program by December 15, then the Mayor's original capital program shall become the official capital program of the City for the ensuing fiscal year.

§ 913. Public records.

Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City

(6) Repeal or amend any ordinance.

(7) Adopt procedures for purchasing of products, goods, or services, for the making of contracts and for the sale or lease of personal or real property of the City, as required by the Administrative Code, Chapter 5, Exhibit A,[3] Part 13, Sale of Property. (See Charter, § 915.) **[Amended 11-23-2015 by Ord. No. 81-2015]**

Editor's Note: Section 915 of the Charter provides:

§ 915. Bidding process.

(a) Whenever the estimated cost of any construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City shall exceed $10,000, it shall be the duty of the City to have such work performed pursuant to a contract, awarded to the lowest responsible bidder [subject to Subsection (2)(d)] hereof, after advertisement for bids. Every such contract shall contain a provision obligating the contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not the said material, labor, equipment or service enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, copartnership, association or corporation who, as subcontractor or otherwise has furnished material supplied or performed labor, rented equipment or services in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any such person, copartnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment.

3. Editor's Note: Exhibit A is included as an attachment to this chapter.

(b) Whenever the estimated costs of any purchase of supplies, materials or equipment or the rental of any equipment, whether or not the same is to be used in connection with the construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City, shall exceed $10,000, it shall be the duty of the City to have such purchase or rental made pursuant to a contract awarded to the lowest responsible bidder [subject to Subsection (2)(d)] hereof, after advertisement for bids, such advertisement to be inserted in a newspaper of general circulation in Berks County.

(1) The City shall not evade the provisions of Subsection (a) or (b) as to advertising for bids by purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under $10,000 upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than $10,000. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts, each for less than the advertising requirement price, or by making several simultaneous purchases or contracts, each below said price, when, in either case, the transactions involved should have been made as one transaction for one price.

(2) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed $4,000 but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations and written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(c) The City shall require as a condition of the award of any contract, pursuant to Subsection (a) or (b) of this section, that the contractor give to the City any bond or letter of credit (including bonds for the performance of the contract, and for the prompt payment by the contractor for material, supplies, labor, services and equipment) which are prescribed by law for contracts awarded by cities of the third class.

(d) Notwithstanding anything to the contrary contained in this section, City Council may, in those cases where an individual or company with headquarters in the City submits a bid which is within 10% of the lowest bid, award the contract to said individual or company. In acting pursuant to this provision, City Council shall find that such an award will be in the best interests of the citizens of the City. The City Council must show just cause for the awarding of such contracts to locally owned companies who provide local labor, materials or produced goods.

(e) All contracts shall be on file in the office of the City Auditor and shall be available for public inspection during normal business hours.

(8) Adopt other actions which are legislative in nature.

(9) Authorize the borrowing of money.

(10) Purchase, convey or lease lands or buildings.

(11) Adopt zoning, subdivision or other land use controls.

(12) Adopt the annual position ordinance, the official listing of all authorized City employment positions, which authorizes the Administration to hire and compensate all employees, defined in § 70-201, Categories of employment. **[Added 10-26-2009 by Ord. No. 60-2009]**

B. Ordinance form and procedure.

(1) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Reading, Pennsylvania ordains . . . " Any ordinance which repeals or amends an existing ordinance shall set out the full ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(2) An ordinance may be introduced by any member of the Council at any regular or special meeting of the Council without vote. After introduction of any ordinance, a copy shall be distributed to each Council member and to the Mayor, and a reasonable number of copies shall be filed in the office of the City Clerk and in such other public places such as the Council may designate by resolution. (See the Charter, §§ 216 and 217.)

Editor's Note: Sections 216 and 217 of the Charter provide:

§ 216. Form of ordinance.

Every ordinance shall have a title clearly expressing its subject and every ordinance shall contain only one subject.

§ 217. Procedures.

(a) The first reading of an ordinance may be introduced by any member at any regular or special meeting of the Council without vote.

(b) After the first reading, the City Clerk shall distribute a copy of the proposed ordinance to each Council member and to the Mayor and shall file and make available a reasonable number of copies in the office of the City Clerk.

C. Ordinance requiring prior public notice and hearing. No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon and at least 10 days' published notice in a newspaper of general circulation in the City:

(1) Zoning ordinance and amendments thereto.

(2) Adoption of the Zoning Map and amendments thereto.

(3) Subdivision regulations.

(4) Land development and land use regulations.

(5) New taxes, or increases in the rate of existing taxes.

(6) Adopt and/or amend the annual budget and capital program.

D. Enactment of ordinance.

(1) Emergency ordinance, refer to the Charter, § 220.

Editor's Note: Section 220 of the Charter provides:

§ 220. Emergency Ordinance.

An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists.

(2) An action on any ordinance bill shall be at a public meeting of Council and shall be by majority vote of the Council as a whole, and attested by the City Clerk who shall affix the municipal seal and insert the dates of the Council actions.

(3) Five votes shall be required to:

(a) Override a mayoral veto.

(b) Approve capital projects.

E. Recording.

(1) Within two weeks of the enactment of an ordinance, the City Clerk shall send an electronic copy of the enacted ordinance to the IT Division, who shall post the ordinance on the City's website and link it to the applicable section of the City Code posted on the website. By May 31 annually, the City Clerk shall cause to be recorded in the Municipal Ordinance Book a verbatim copy of each enacted ordinance, which shall contain a notation of the date of enactment and the name of the newspaper and date, if any, on which publication was made. (see Charter, § 222.) **[Amended 4-9-2012 by Ord. No. 42-2012]**

Editor's Note: Section 222 of the Charter provides:

§ 222. Recording of ordinances.

All ordinances shall be contained in permanent separate record books. The ordinance book and all other actions taken by Council at a public meeting shall be open and available for public inspection at normal business hours in the office of the City Clerk, and a copy in the Reading Public Library.

(2) It shall not be necessary to record in the Ordinance Book the full text of any ordinance where there is a specific provision in the laws of Pennsylvania permitting adoption and recording by reference or in the case of an ordinance adopting, with or without amendment or modification, any standard building, plumbing, electrical, housing, or other technical code complete in itself, for the regulation of trade, occupation or line of activity or undertaking, but in the latter cases, it shall be necessary only to record the ordinance adopting the same by reference and indicating the municipal office where the complete code or ordinances shall be available.

(3) Whenever an ordinance shall be specifically amended or repealed, the City Clerk shall cause a notation to that effect to be made in the Ordinance Book at the location where the recording of such ordinance shall commence.

(4) Whenever an ordinance shall prescribe a condition to its becoming effective, in the nature of an acceptance by a party thereto, the meeting of such condition or the failure

to meet the same shall likewise be noted by the appropriate place in the Ordinance Book.

F. Codes of technical regulations. (See the Charter, § 216.) The Council may adopt any standard Code of Technical Regulations by reference thereto in an adopting ordinance as prescribed for ordinances generally, except that:

Editor's Note: Section 216 of the Charter provides:

§ 216. Form of ordinance.

Every ordinance shall have a title clearly expressing its subject and every ordinance shall contain only one subject.

(1) The procedures and requirements governing such adopting ordinances shall be construed to include copies of technical regulations as well as the adopting ordinance.

(2) A copy of each adopted Code shall be attached to the adopting ordinance shall be authenticated and recorded.

G. Availability of ordinances and copies thereof. The Ordinance Book shall be open and available for public inspection during office hours, and copies of ordinances shall be obtainable upon payment of a reasonable reproduction charge.

H. Enforcement of ordinances, procedures and penalties. Unless otherwise prescribed by City ordinance or other applicable law, any violation of an ordinance shall constitute a civil violation, as defined by the laws of the commonwealth, and shall be prosecuted in accordance with the laws of the commonwealth and the Rules of Civil Procedure adopted by the Pennsylvania Supreme Court.

(1) Penalties. Except where specific penalties are provided elsewhere by ordinance or other applicable law, any person or entity who shall violate any ordinance or any provision of any code or other regulation adopted by reference in an ordinance shall, upon adjudication and finding of a violation, pay a civil penalty not to exceed $1,000 for each offense, plus costs of prosecution and attorney's fees where authorized; all such penalties shall be collected as provided by law.

(2) Continuing violations. Each day any violation continues shall constitute a separate offense and the person or entity responsible for such violation shall be punished as provided above for each separate offense.

(3) Abatement of nuisances. In addition to the penalties and other remedies herein provided, any condition caused or permitted to exist in violation of any ordinance will be deemed a public nuisance and may be abated by the City with the costs of such abatement borne by the person or entity owning the property upon which condition exists. Such costs will be collected for the use of the City as debts by law are collected or by a municipal claim or lien filed as provided by law. Each day that such condition continues shall be regarded as a separate offense.

(4) Action at law or in equity. In addition to the enforcement of provisions herein provided, the City may institute an appropriate action or proceeding at law or in equity against a person or entity responsible for violation of any ordinance and request either or both of the following remedies:

(a) To cease, correct or remove the violation.

(b) To enforce the penalty provisions of the ordinance or seek other remedies as are just and reasonable.

(5) Cumulative penalties. Whenever the Administrative Code or any ordinance provides alternative penalties or remedies, they shall be cumulative. The imposition of any such penalty or remedy shall not prevent the City from invoking any other penalty or remedy provided therefor.

I. Actions of Council other than ordinance adoption. (See Charter, § 224.) Other business of Council may be undertaken by adoption of resolutions, enactment of proclamations, or the approval of motions which shall require a simple majority vote of Council unless otherwise required by law.

Editor's Note: Section 224 of the Charter provides:

§ 224. Action by resolution or motion.

Nothing in the article is intended to preclude Council from taking appropriate action by resolution or motion.

§ 5-213. Independent legal counsel. [Added 7-13-1998 by Ord. No. 22-1998; amended 1-26-2015 by Ord. No. 3-2015]

The Solicitor, as chief legal advisor to the City of Reading, has authority to determine whether a conflict exists between the Mayor/Administration and City Council. In the event a conflict does exist, the Mayor/Administration and City Council shall begin and complete a mediation process within 10 business days from the date the conflict was identified by the Solicitor, facilitated by a neutral third party that shall be selected by the Solicitor and agreed to by the Mayor/ Administration and City Council. If at the conclusion of the mediation process the conflict still exists, each party shall have the right to seek and retain independent legal counsel, separate and apart from the advice of the Office of the Solicitor. Section 8 of the Purchasing Policies shall apply.

§ 5-214. Redistricting process; Redistricting Advisory Commission. [Added 5-28-2002 by Ord. No. 23-2002]

A. After each decennial census, Council shall, within 60 days after the receipt of the census information from the federal government, appoint a Redistricting Advisory Commission. Each Council member shall appoint one person from his/her respective district. The President of Council shall select one member to represent the at-large community. The Planning Commission will be asked to assign two current members to the Advisory Commission.

B. This Redistricting Advisory Commission shall review and compare the new and old census information with the current Council District configuration. This group shall prepare and present a redistricting proposal(s) to the full body of Council in no less than 120 days after their appointment.

C. The district proposals shall give strong consideration to the combination of neighborhoods that are continuous but that share similar quality-of-life issues. This configuration will support the principle of electing representatives that can easily represent the voice of

the community they represent. The Advisory Commission shall also consider the federal redistricting laws.

D. Council shall hold a minimum of one public hearing to get public input on the redistricting proposal(s), within 45 days of their receipt of the proposals from the Redistricting Advisory Commission, and shall adopt by ordinance a redistricting plan, either new or status quo, at their next regular business meeting.

§ 5-215. Council districts. [Added 1-23-2012 by Ord. No. 3-2012]

A. The boundaries of the existing Council districts, created in 1993 by the Charter Commission, as recommended by the Redistricting Committee, are amended as follows:

(1) District 1.

(a) 1st Ward — 1st precinct.

(b) 2nd Ward — 1st precinct.

(c) 3rd Ward — 1st precinct.

(d) 18th Ward — 1st, 2nd, 3rd and 4th precincts.

(2) District 2.

(a) 3rd Ward — 2nd precinct.

(b) 8th Ward — 1st precinct.

(c) 10th Ward — 1st precinct.

(d) 16th Ward — 1st, 2nd, 4th and 5th precincts.

(3) District 3.

(a) 9th Ward — 2nd and 5th precincts.

(b) 11th Ward — 2nd and 3rd precincts.

(c) 12th Ward — 1st, 3rd and 5th precincts.

(d) 13th Ward — 1st precinct.

(4) District 4.

(a) 13th Ward — 2nd and 5th precincts.

(b) 17th Ward — 1st, 2nd, 5th, 7th and 8th precincts.

(5) District 5.

(a) 14th Ward — 6th precinct.

(b) 15th Ward — 1st, 2nd, 6th and 7th precincts.

(c) 19th Ward — 1st and 2nd precincts.

(6) District 6.

(a) 4th Ward — 1st precinct.

(b) 5th Ward — 1st precinct.

(c) 6th Ward — 1st and 3rd precincts.

(d) 7th Ward — 1st precinct.

(e) 14th Ward — 1st, 4th and 5th precincts.

B. Governing body members in office at the time of the reapportionment shall retain their offices until the end of their respective terms.

C. The election of members of the governing body under the reapportionment shall be held in accordance with law relating to the entity and the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.[4]

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4. Editor's Note: See 25 P.S. § 2600 et seq.

PART 3
Mayor; Chief Executive Officer

§ 5-301. Power and duties.

The Mayor shall be the Chief Executive Officer of the City of Reading and shall have those powers and duties prescribed by law, the Charter (see § 301, The Mayor), and ordinance and include but not be limited to the following. The Mayor is ultimately responsible to the people of Reading for the administration of the government. This does not mean, however, that the Mayor need perform each activity mentioned below. Rather, the Mayor as the chief executive officer may assign duties as he/she deems necessary.

Editor's Note: Section 301 of the Charter provides:

§ 301. The Mayor.

The executive, administrative and law enforcement powers of the City shall be vested in the Mayor. The Mayor shall control and be accountable for the executive branch of City government, as provided by this Charter.

A. Section 308(a) through (n) of the Charter, "Powers and duties of the Mayor."

Editor's Note: Section 308 of the Charter provides:

§ 308. Powers and duties of the Mayor.

The Mayor shall have the following powers and duties:

(a) Execute, enforce, and obey the ordinances of the City and laws of the Commonwealth of Pennsylvania and the United States of America.

(b) Prepare and present a budget to City Council in accordance with the provisions of this Charter.

(c) Inform City Council and the public each January of the financial and general condition of the City.

(d) Provide Council with all information concerning finances and general conditions of the City as may be requested by Council.

(e) Introduce proposed legislation to Council and make recommendations to City Council concerning the affairs of the City.

(f) Be responsible for the hiring, with the approval of Council, of the City Managing Director.

(g) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by the Charter or by law.

(h) Ensure that all laws, provisions of this Charter and acts of City Council, subject to enforcement by the Managing Director, are faithfully executed by the Managing Director.

(i) Be responsible for the establishment and development of administrative policy to be implemented by the Managing Director.

(j) Be present or represented at all public Council meetings. The Mayor may participate in all public discussions but shall have no vote.

(k) Execute all bonds, notes, contracts and written obligations of the City.

(l) Issue subpoenas and compulsory processes, under the Official Seal of the Mayor, for the attendance of such persons and the production of such books and records as deemed necessary by the Mayor, and seek enforcement of such subpoenas by the Court of Common Pleas of Berks County.

(m) Unless otherwise provided, be responsible for the employment of personnel necessary for the effective operation of City government.

(n) Perform such other duties and exercise such other powers as stated in this Charter, by law or ordinance.

B. Section 221 of the Charter, Submission to Mayor and veto power.

Editor's Note: Section 221 of the Charter provides:

§ 221. Submission to Mayor and veto power.

Before any ordinance takes effect, it must first be submitted to the Mayor for approval. The Mayor shall sign the ordinance within 10 days, if approved, but if not, shall return it to Council stating objections. Council shall at its next meeting reconsider the ordinance and may pass it over the Mayor's veto by the affirmative vote of five members of City Council.

If the Mayor fails within 10 days after any ordinance is submitted to him to sign the ordinance and/or return it to Council, such ordinance shall be considered adopted at the expiration of the ten-day period.

The veto power of the Mayor shall not apply to ordinances adopted by initiative or referendum.

C. Section 309 of the Charter, Appointment by the Mayor.

Editor's Note: Section 309 of the Charter provides:

§ 309. Appointment by the Mayor.

The Mayor shall appoint:

(a) One City Solicitor. Any person so appointed shall hold office unless removed during the term for which the Mayor is elected and until a successor is appointed and qualified. Four affirmative votes of Council shall be necessary for confirmation.

(b) All members of boards, authorities and commissions over which he has the power to appoint. Four affirmative votes of Council shall be necessary for confirmation.

D. Section 310 of the Charter, Removals by Mayor.

Editor's Note: Section 310 of the Charter provides:

§ 310. Removals by Mayor.

The Mayor may remove from office anyone appointed pursuant to § 309(b), unless otherwise provided by law.

E. Section 311 of the Charter, Managing Director.

Editor's Note: Section 311 of the Charter provides:

§ 311. Managing Director.

The Mayor, pursuant to the provisions of this Charter, shall appoint a full-time officer of the City who shall have the title of Managing Director and who shall receive compensation comparable to that received by a person in a position of similar responsibilities.

F. Section 401 of the Charter, Appointment; qualifications; compensation.

Editor's Note: Section 401 of the Charter provides:

§ 401. Appointment; qualifications; compensation.

(a) Within 90 days of taking office, the Mayor, with the approval of City Council, shall appoint a Managing Director for an indefinite term, subject to at least a biennial review, and fix the Managing Director's compensation. The Managing Director need not be a resident of the City at the time of appointment, but after appointment, shall reside in the City. The Managing Director shall establish such City residency within 12 months of being appointed.

(b) Any candidate for Managing Director shall:

(1) Have a master's degree in public administration, business administration, or its equivalent, and have at least three years' experience at an executive or administrative level.

(2) Have a bachelors degree in public administration, or its equivalent, and have at least five years of experience at an executive or administrative level.

(c) City Council may, by ordinance, establish additional qualifications for the position of Managing Director, prior to advertisement for the hiring of the Managing Director.

(d) In the event that the position of Managing Director cannot be filled by the Mayor, the Mayor may appoint a temporary Managing Director for a period of time not to exceed 90 days. During this period of time, the Mayor shall continue to use all available means to fill the position.

(e) In the event the Mayor has not filled the position of Managing Director within 180 days of taking office, City Council shall, within 90 days thereafter, hire a Managing Director. Any person hired by City Council shall hold the qualifications for said position prescribed by this Charter. The Mayor shall not have the power of veto over any candidate hired by City Council in accordance with the provisions of this Charter.

G. Section 404(a), (b) of the Charter, Removal.

Editor's Note: Section 404(a) and (b) of the Charter provide:

§ 404. Removal.

(a) The Managing Director may be removed from office by the Mayor at any time, without cause.

(b) At least 15 days prior to the removal from office, the Mayor shall notify the Managing Director and City Council in writing of such removal.

H. Section 603 of the Charter, Heads of department, offices, and agencies.

Editor's Note: Section 603 of the Charter provides:

§ 603. Heads of departments, offices, and agencies.

(a) Appointment. Except as otherwise provided by this Charter, the Mayor shall appoint and remove the head of any department, office and agency. An appointment shall not be effective unless City Council by resolution confirms it or fails to reject it within 60 days after the appointment. The appointee shall serve unless rejected by City Council or until removal from office, whichever is sooner.

(b) Removal. The Mayor shall have the power at any time to remove the head of any department, office or agency immediately under the Managing Director's direction and supervision, but the Mayor shall within 14 days notify in writing City Council of the removal and the reason for it.

I. Section 705 of the Charter, Compensation of heads of departments, offices, and agencies.

Editor's Note: Section 705 of the Charter provides:

§ 705. Compensation of heads of departments, offices and agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment, shall reside in the City. City residency shall be required within 12 months of being appointed.

J. Section 801 of the Charter, City Solicitor, Qualifications and Responsibilities. There shall be one full-time City Solicitor. Temporary solicitors may be engaged as the need arises. That need may be in areas such as labor relations and tax administration (to mention but a few), or for specific cases. The Mayor will make that determination.

Editor's Note: Section 801 of the Charter provides:

§ 801. Qualifications and responsibilities.

(a) The Mayor shall appoint, with the approval of Council, a Solicitor who shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Solicitor, as head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council, and all City departments and agencies; and shall represent the City in all legal proceedings and shall perform such other duties prescribed by law, by this Charter, by the City Administrative Code or action of Council. It is the intent of this Charter that only one person shall be the legal advisor of the City except as may be otherwise required by law.

(b) The Mayor, with the approval of Council, shall have the power, if needed, to engage other temporary Solicitors to represent the City as the need may be. Such appointments shall be temporary and shall be for the purpose of representing the City in specific individual legal matters. Such representation shall be secured by requests for proposal.

K. Section 902 of the Charter, Submission of balanced budget and capital program.

Editor's Note: Section 902 of the Charter provides:

§ 902. Submission of balanced budget and capital program.

On or before 90 days prior to the ensuing fiscal year, the department heads will submit proposed budget and capital program to the Managing Director. On or before 90 days prior to the ensuing fiscal year, the Mayor will submit to the City Council a balanced budget, capital program, and an accompanying message. The proposed balanced budget and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

L. Section 904 of the Charter, Budget.

Editor's Note: Section 904 of the Charter provides:

§ 904. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

(a) It shall begin with a general summary of its contents.

(b) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

(c) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

(d) It shall show the number of proposed employees in every job classification.

(e) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding four fiscal years.

(f) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.

(g) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual budget and submit to Council with appropriate supporting information as to the necessity for such programs.

(h) It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

M. Section 905(b) of the Charter, Amendment (budget) before adoption.

Editor's Note: Section 905(b) of the Charter provides:

§ 905. City Council action on budget.

(b) Amendment before adoption. After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.

N. Section 908 of the Charter, Amendments (Budget) after adoption.

Editor's Note: Section 908 of the Charter provides:

§ 908. Amendment after adoption.

(a) Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 220 of this Charter.

(b) Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriate revenues in excess of those estimated in the budget.

(c) Transfer of appropriations may be made in accordance with provision of the Administrative Code [Chapter 5].

O. Section 910 of the Charter, Administration of the budget and capital program.

Editor's Note: Section 910 of the Charter provides:

§ 910. Administration of the budget and capital program.

The Mayor shall be responsible for and with the assistance of the Managing Director shall supervise the administration of the annual and capital budgets.

P. Section 911 of the Charter, Capital program.

Editor's Note: Section 911 of the Charter provides:

§ 911. Capital program.

(a) Submission to City Council. The Mayor shall prepare and submit to the City Council a five-year capital program no later than the final date for submission of the budget.

(b) Contents of capital program. The capital program shall include:

(1) A clear general summary of its contents.

(2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each.

(3) Cost estimates and recommended time schedules for each improvement of other capital expenditure.

(4) Method of financing, upon which each capital expenditure is to be reliant.

(5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(6) All capital projects must be included in the capital program budget.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(c) Financing capital projects. Bonds required for financing capital projects shall be secured by competitive bidding.

(d) Capital projects approved. Proposed capital projects in the capital programs must be considered on their own individual merits by the Finance Manager, the City Auditor and the proposer of the project. The procedures to approve the individual capital projects are:

(1) Preliminary feasibility study. The capital project preliminary feasibility study shall include:

(i) A clear general summary of its purpose and justification.

(ii) The cost estimates and time schedule for the capital project including the cost of the post project completion audit.

(iii) The method of financing and sources upon which this capital project is reliant.

(iv) The annual cost of operating and maintaining the project to be constructed or acquired.

The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

(2) Final proposal and financing. The final capital project proposal and financing shall include:

(i) A clear general summary of its purpose and justification.

(ii) The cost estimates and time schedule for the capital project, including the cost of the post-project-completion audit.

(iii) The method of financing and sources upon which this capital project is reliant.

(iv) The annual cost of operating and maintaining the project to be constructed or acquired.

(v) This final capital project proposal will be published and made available for the public to review (Use Notice and Hearing Notice, § 912). Capital project replaces capital program. The final Council approval of capital projects will require five votes to approve.

(3) Capital project reporting.

(a) Current projects. All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date and estimated revised operating costs. This information is to be supplied by the Finance Manager and the Project Manager to the City Council in such a form that it is available to the public.

(b) Extended projects. If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained, the project must go through § 911(d)(1) and (2).

(e) Post-project-completion audit. Following completion of the capital project, a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

Q. Section 914 of the Charter, Independent audit.

Editor's Note: Section 914 of the Charter provides:

§ 914. Independent audit.

The Council shall provide for an annual independent audit to be completed and submitted to the Mayor within 180 days of the close of the fiscal year. It shall include City receipts, expenditures, accounts and reports by a Pennsylvania certified public accountant or a certified public accounting firm, experienced in municipal finance, having no personal interest, direct or indirect, in the fiscal affairs of the City or any of its elected or appointed personnel. The Council may provide for more frequent audits at its discretion. Within 30 days of completion, the Mayor shall present to the Council the results of the annual audit and a financial statement of the fiscal affairs of the City, with the results of the independent auditor's survey of internal control and any recommendations thereon. The evaluation of the internal control shall take the form of a management letter. This management letter shall be submitted to the City Council after every audit. A summary of the annual audit of the independent auditor shall be published at least once in one or more newspapers of general circulation in the City within 30 days after submission to the Mayor. The annual audit shall be conducted in accordance with generally accepted auditing standards. The financial report shall be prepared in accordance with generally accepted accounting principles, and shall include a balance sheet for each fund, and on a consolidated fund basis reflecting all current assets, current liabilities and fund balances. The Council shall designate such accountant or firm annually or for a period not exceeding three years.

R. Section 1201(c) of the Charter, Board of Ethics.

Editor's Note: Section 1201(c) of the Charter provides:

§ 1201. Conflict of interest and Code of Ethics.

(c) Board of Ethics. The Mayor, with the approval of City Council, shall establish an independent Board of Ethics consisting of five City residents holding terms of three years, to administer and enforce the conflict of interest provision § 1201 of this charter and the prohibition sections of this charter. No member of the Board may hold elective or City office under the City or any other government or hold any political party office. Insofar as possible under state law, the Mayor shall authorize the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to consult with independent counsel. City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it. Members of the Board of Ethics may be removed by the Mayor with the consent of City Council.

S. Section 1203 of the Charter, Review of Charter.

Editor's Note: Section 1203 of the Charter provides:

§ 1203. Review of Charter.

At least every 10 years, except for the initial Charter review which shall take place under this provision no sooner than five years but no later than 10 years after the effective date of this Charter, City Council and the Mayor shall appoint a Charter Review Commission composed of 11 members, the majority of whom shall not be City officials or employees. Seven members of this Commission shall be appointed by City Council and four members shall be appointed by the Mayor. All appointees shall be current residents and registered voters of the City. The Charter Review Commission shall review the current Charter, submit a report to City Council, the Mayor, and the citizens of the City, within six months of its appointment, and recommend any proposed amendments to the Charter. All proposed amendments shall be placed on the ballot no later than the next municipal election. City Council shall provide appropriations for the reasonable expenses incurred by the Charter Review Commission.

T. Section 1307(c) of the Charter, Personnel Action.

Editor's Note: Section 1307(c) of the Charter provides:

§ 1307. Personnel.

(c) Personnel action. Until approval by City Council of the Personnel Code required by § 703, the Mayor, in consultation with the Managing Director, shall have the power to establish by written directive a personnel system for all employees. All appointments and promotions, except additions to the exempt service, shall be made on the basis of merit and fitness. All personnel actions shall be in accordance with the provisions of a personnel system established by such written directive. Copies of all such directives shall be forwarded by the Mayor to City Council within 24 hours after being issued.

U. Shall have the authority to administer oaths and affirmations in relation to any matter regarding the authentication of an account or claim or demand of or against the City, but shall not be entitled to receive any fee therefor.

§ 5-302. Independent legal counsel. [Added 7-13-1998 by Ord. No. 22-1998; amended 1-26-2015 by Ord. No. 3-2015]

The Solicitor, as chief legal advisor to the City of Reading, has authority to determine whether a conflict exists between the Mayor/Administration and City Council. In the event a conflict does exist, the Mayor/Administration and City Council shall begin and complete a mediation process within 10 business days from the date the conflict was identified by the Solicitor, facilitated

by a neutral third party that shall be selected by the Solicitor and agreed to by the Mayor/ Administration and City Council. If at the conclusion of the mediation process the conflict still exists, each party shall have the right to seek and retain independent legal counsel, separate and apart from the advice of the Office of the Solicitor. Section 8 of the Purchasing Policies shall apply.

§ 5-303. Termination of department directors. [Added 12-27-1999 by Ord. No. 42-1999]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CITY COUNCIL — The elected or appointed City Council persons of the City of Reading.

DEPARTMENT DIRECTOR — Any person employed by the City of Reading as the Administrative Services Director, Managing Director, Public Works Director, Chief of Police, Chief of the Department of Fire and Rescue Services, Director of Community Development or City Solicitor. A department director shall also include any such person who is employed by the City of Reading as the acting director of any of the aforementioned departments for a period of more than six months.

MAYOR — The chief executive officer of the City of Reading.

TERMINATION — Action taken by the Mayor or the City Council which ends the employment of one or more of the aforementioned department directors.

TERMINATION FOR CAUSE — An act of the Mayor or the City Council which ends the employment of any of the aforementioned department directors for the following reasons: violation of the City of Reading's residency requirement, conviction of any criminal act relating to employment with the City, conviction of a felony, conduct which violates the City's established work rules or for inability to perform the tasks associated with one's employment.

B. Severance package. **[Amended 10-23-2006 by Ord. No. 70-2006]**

(1) Termination for reasons other than just cause. Any department director terminated for reasons other than just cause shall receive a payment for three months of salary payments the department head would have received, plus the director shall earn one month of severance for every year above three years. Any department director receiving a payment equal to six months' worth of pay at the rate he was receiving on the day prior to his/her termination shall not receive any other monetary compensation from the City of Reading at the time of his/her termination including, but not limited to, payment for any accrued vacation time or compensatory time which had been earned prior to termination.

(2) Termination for just cause. Any department director terminated for just cause shall receive a payment equal to any accrued and unused vacation days as tabulated by the Administrative Services Department on the day prior to the date of termination.

(3) Compensatory time. Upon termination for any reason, no department director of the City of Reading shall receive a payment for any unused or accrued compensatory time.

(4) Health benefits. Any department director terminated for a reason other than just cause shall receive medical benefits provided for by the City of Reading at the same level he/she was receiving on the date prior to his/her termination for a period not to exceed

180 days. Local benefits provided by the City of Reading shall cease on the 180th day following the termination of the department director or when the department director secures health and medical insurance through attainment of other employment, etc., whichever comes first. Any department director terminated for just cause shall only receive the medical benefits which the City of Reading is required to provide any employee at the time of his/her termination.

C. Information hearing following termination for just cause.

(1) Notice of termination for just cause. Any department director terminated for just cause shall be provided with a written notice of proposed termination which contains the reasons and factual basis for such action.

(2) Hearing. Within seven days of receiving notice of termination, the department director may request an opportunity to respond to the reasons provided by the Mayor for his/her termination. If a request for such a hearing is made, the Mayor shall conduct a meeting, which may be in form or nature, that which the department director may respond to the reasons given for his proposed termination. At such meeting, the department director may be represented by an attorney of his choosing and present evidence or information relevant to the reasons and factual basis set forth in the notice of proposed termination. After such hearing, the Mayor may do one of three things: he may rescind the notice of proposed termination which was served upon the department director, he may convert the department director's termination into a termination for reasons other than just cause or he may maintain the termination for just cause.

PART 4
Managing Director; Chief Administrative Officer

§ 5-401. Power and duties. [Amended 10-11-2004 by Ord. No. 42-2004]

The Managing Director shall be the Chief Administrative Officer of the City of Reading responsible to the Mayor for the administration of all City affairs placed in the Managing Director's charge pursuant to the Charter. The power and duties prescribed by law, the Charter and ordinance shall include but not be limited to the following:

A. Section 406 of the Charter, Power and duties.

Editor's Note: Section 406 of the Charter provides:

§ 406. Powers and duties.

The Managing Director shall be the chief administrative officer of the City, responsible to the Mayor for the administration of all City affairs placed in the Managing Director's charge pursuant to this Charter. In addition to other powers and duties prescribed by this Charter, the Managing Director shall:

(1) Execute and enforce the provisions of this Charter and all ordinances, resolutions, and motions of City Council.

(2) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.

(3) Appoint, suspend, or remove any City employee, except as otherwise provided by this Charter or by law.

(4) Prepare and submit to the Mayor on an annual basis a five-year financial plan and a budget.

(5) Supervise and direct the negotiation and administration of any collective bargaining agreements with City employees.

(6) Submit to the Mayor a complete report of the finances and administrative activities of the City within 30 days of the end of each fiscal year.

(7) Assure that the laws of the commonwealth relating to the affairs and government of the City are faithfully executed and enforced.

(8) Present to the Mayor from time to time such information concerning the business and affairs of the City as the Managing Director may deem necessary, or as City Council by motion may request; and recommend such measures for legislative action as are believed to be in the best interests of the City.

(9) Perform such other duties as are specified in this Charter or may be required by the Mayor or City Council.

B. Section 402 of the Charter, Approval by Council.

Editor's Note: Section 402 of the Charter provides:

§ 402. Approval by Council.

City Council approval shall be necessary for the hiring of the Managing Director appointed by the Mayor. Such approval shall be made within 30 days from the date of the appointment. If no action is taken by City Council within such period, the approval of the hiring of the candidate shall be automatic.

C. Section 312 of the Charter, Deputy Mayor.

Editor's Note: Section 312 of the Charter provides:

§ 312. Deputy Mayor.

In the event of the Mayor's temporary absence from the City, or temporary disability, the Managing Director shall act as Deputy Mayor. The Deputy Mayor shall exercise all the duties of the Mayor, except the power of appointment or removal from office.

D. Section 902 of the Charter, Submission of balanced budget and capital budget.

Editor's Note: Section 902 of the Charter provides:

§ 902. Submission of balanced budget and capital program.

On or before 90 days prior to the ensuing fiscal year, the department heads will submit proposed budget and capital program to the Managing Director. On or before 90 days prior to the ensuing fiscal year, the Mayor will submit to the City Council a balanced budget, capital program, and an accompanying message. The proposed balanced budget and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

E. Section 910 of the Charter, Administration of the budget and capital program.

Editor's Note: Section 910 of the Charter provides:

§ 910. Administration of the budget and capital program.

The Mayor shall be responsible for and with the assistance of the Managing Director shall supervise the administration of the annual and capital budgets.

F. Designate himself or some other officer or employee to perform the duties of any office or position in the administrative service under the supervision of the Managing Director during a vacancy, absence, or disability of an incumbent.

G. Prescribe such rules and regulations as shall be deemed necessary or expedient for the conduct and operation of administrative departments and revoke, suspend, or amend any rule or regulation of the administrative service.

H. Investigate or inquire either personally or through a person designated by the Managing Director into the operation of any department, division, or office under the Managing Director's authority.

I. Establish committees and appoint its members within the administrative service for the purpose of considering and resolving administrative problems.

J. Consult with department directors before initiating new policies and procedures.

K. Assign any employee of the administrative service to any department requiring the services of that employee; provided, however, that such assignment is appropriate to and consistent with the personnel system's classification of the employee and applicable personnel rules and regulations.

L. Investigate and dispose of, or to designate an officer to investigate and dispose of all complaints regarding City services and report to the Mayor thereon. All complaints regarding City services shall be referred to the Office of the Managing Director.

M. Responsibility for oversight and management of all administrative support services relating to:

(1) Developing, designing and administering the City computer system, which includes records management, software needs and coordinating technology application; and

(2) Administering the internal communication system and providing liaison support to boards, authorities and commissions.

N. Information technology.

(1) Function. The Division of Information Technology shall be responsible for developing, designing, and administering the City computer system, which includes records management, software needs, and coordinating technology application. Additionally, it shall administer the internal communication system. Finally, it shall provide liaison support to boards, authorities and commissions.

(2) Division Manager. The Division of Information Technology shall be headed by a Manager who shall be responsible to the Managing Director for the performance of the Division, and for all other responsibilities and obligations that the Managing Director may from time to time assign consistent with the law, Charter or ordinance.

Editor's Note: Sections 604 and 705 of the Charter provides:

§ 604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See § 705.)

§ 705. Compensation of heads of departments, offices and agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

(3) Divisions manager qualifications. Charter §§ 604 and 705 speak to general qualifications. The minimum requirements for this position are a bachelor's degree or its equivalent plus three years of management technology experience.

(4) Division manager duties. The duties and responsibilities of the Manager shall include but not be limited to the below. He/she shall direct personally and through subordinates the performance of these duties and responsibilities:

(a) Develop and administer computer system services for City departments.

(b) Assist department directors in designing and implementing computer systems for record management and in developing software needs.

(c) Communicate appropriate new technologies, products and software and hardware systems to department directors.

(d) Develop and administer communication system for departments that includes e-mail, telephone, mail and duplication services.

(e) Provide liaison services to those boards, authorities, and commissions that are not directly linked to other departments.

PART 5
City Auditor

§ 5-501. Power and duties.

The City Auditor shall have financial oversight of the City of Reading finances and shall have those powers and duties prescribed by law, Charter or ordinance and include but not be limited to the following:

A. Section 503(a) through (l) of the Charter, Responsibilities.

Editor's Note: Section 503(a) through (l) of the Charter provides:

§ 503. Responsibilities.

The City Auditor shall:

(a) Have financial oversight of City finances, independent of the executive and legislative branches and shall review all expenditures of the Mayor, City Council, and City boards, commissions and agencies.

(b) Review the annual budget before approval by City Council, and make nonbinding recommendations to City Council for consideration.

(c) Be present or represented at all Council meetings.

(d) Perform specific audits of City finances from time to time as determined by the City Auditor or City Council.

(e) Report to Council on the progress of the implementation of any recommendations as found in the annual audit and management letter.

(f) Assist in all audits conducted by independent auditors.

(g) Assure the accurate and timely completion and submittal of audit reports along with appropriate follow-up recommendations.

(h) Furnish to City Council, the Mayor, the Managing Director, and others, as appropriate, periodic reports of audits conducted.

(i) Interpret and communicate audit policies and procedures to all City management and staff.

(j) Direct internal financial security and loss investigation activities.

(k) Prepare an annual budget for the office of City Auditor and operate the office of City Auditor within approved budget limitations.

(l) Issue any subpoenas in order to fulfill the duties and responsibilities of the office of City Auditor.

B. Section 911(d) of the Charter, Capital projects approved.

Editor's Note: Section 911(d) of the Charter provides:

(d) Capital projects approved. Proposed capital projects in the capital programs must be considered on their own individual merits by the Finance Manager, the City Auditor and the proposer of the project. The procedures to approve the individual capital projects are:

(1) Preliminary feasibility study. The capital project preliminary feasibility study shall include:

(i) A clear general summary of its purpose and justification.

(ii) The cost estimates and time schedule for the capital project including the cost of the post-project-completion audit.

(iii) The method of financing and sources upon which this capital project is reliant.

(iv) The annual cost of operating and maintaining the project to be constructed or acquired.

The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

(2) Final proposal and financing. The final capital project proposal and financing shall include:

(i) A clear general summary of its purpose and justification.

(ii) The cost estimates and time schedule for the capital project including the cost of the post-project-completion audit.

(iii) The method of financing and sources upon which this capital project is reliant.

(iv) The annual cost of operating and maintaining the project to be constructed or acquired.

(v) This final capital project proposal will be published and made available for the public to review (Use Notice and Hearing Notice, § 912). Capital project replaces capital program. The final Council approval of capital projects will require five votes to approve.

(3) Capital project reporting.

(a) Current projects. All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date and estimated revised operating costs. This information is to be supplied by the Finance Manager and the Project Manager to the City Council in such a form that it is available to the public.

(b) Extended projects. If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained, the project must go through § 911(d)(1) and (2).

C. Conduct audits of petty cash funds as appropriate.

D. Shall sit as Chair of the City of Reading Audit Committee, as per § 5-903, Boards and commissions/councils, Subsection V. **[Added 5-14-2012 by Ord. No. 52-2012]**

PART 6
City Clerk

§ 5-601. Duties. [Amended 10-26-1998 by Ord. No. 28-1998]

A. The duties of this position will include but are not limited to the following:

(1) Serves as Director of the legislative branch.

(2) Performs general oversight and coordination of the legislative action of City Council.

(3) Makes recommendations to City Council on policy, regulations, practices and issues concerning the City of Reading.

(4) Serves as liaison between City Council and other officials.

(5) Acts as representative of Council at meetings and events when so directed by City Council.

(6) Explains City Council procedures and answers questions on City Council business from the public, press and administration.

(7) Performs varied public relations activities for City Council and the City of Reading to promote City issues and initiatives.

(8) Shall be a member of the City of Reading Audit Committee, as per § 5-903, Boards, commissions and councils, Subsection V (see Chapter 23, Part 13, Audit Committee). **[Added 5-14-2012 by Ord. No. 51-2012]**

B. The City Clerk shall attest to the signature of the Mayor on all appropriate City documents and contracts. In the event of an emergency and the City Clerk should be absent, a notary employed by the City of Reading may attest to the Mayor's signature. A photocopy of the document shall be provided to the City Clerk.

C. The City Clerk authorizes the validity of various documents for use in court. In the event of the City Clerk's absence, the President or Vice President of Council may authorize the validity of any Council-related document, code or ordinance.

PART 7
City Health Officer

§ 5-701. Duties of City Health Officer. [Amended 8-10-2009 by Ord. No. 44-2009; 7-27-2015 by Ord. No. 39-2015]

The City Health Officer is appointed by the Mayor and reports to the Community Development Director or his/her designee. Qualifications for this position are experience and training in public health. This person must be certified by the Pennsylvania Department of Health. He/she shall have the following duties and responsibilities as prescribed by the law, Charter and ordinance, and include but not be limited to the following:

A. Perform the obligations and functions of the City Health Administrator.

B. Perform and/or assign responsibility for restaurant inspections, review inspections, issue citations, and close if necessary.

C. Perform and/or assign responsibility for tattoo parlor inspections, review inspections, issue citations, and close if necessary.

D. Evaluate and issue handicap parking privilege.

E. Provide inoculations as required.

F. Collaborate with Administrative Services Director in workers' compensation, sick leave, family leave, and/or any other health-related issues.

G. Provide required reports to the state/federal governments.

H. Provide monthly reports to the Board of Health and attend meetings as requested by the Board.

I. Assess the health implications in hoarding situations as requested.

PART 8
Department Organization

§ 5-801. Administrative organization. [Amended 5-29-2001 by Ord. No. 14-2001]

A. The administrative service of the City of Reading shall be under the Managing Director (with the exception of the City Solicitor) and be comprised of the following departments and directors thereof:

Administrative Services Department	Director
Department of Public Works	Director/Engineer
Department of Community Development	Director
Department of Police	Chief
Department of Fire and Rescue Services	Chief

B. The Department of Law is headed by the City Solicitor who reports to the Mayor and is not considered a part of the administrative service.

§ 5-802. Organization Charts.

[The Organization Charts are included at the end of this chapter.]

§ 5-803. Department directors. [Amended 1-13-1997 by Ord. No. 51-1996; 11-27-2000 by Ord. No. 24-2000; 11-13-2001 by Ord. No. 38-2001; 4-22-2002 by Ord. No. 15-2002]

All Department Directors shall be appointed by the Mayor with the approval of Council as stipulated in the Charter. They shall be selected solely on the basis of education, training, experience, professional, executive and administrative abilities pertinent to the function, duties, and operations of their respective departments and as prescribed by law. Department directors, with the exception of the City Solicitor who reports to the Mayor, serve under the Managing Director's direction and supervision.

A. Acting department directors appointed by the Managing Director may serve no more than 180 days. Council may agree to extend said term for additional ninety-day period by resolution upon request by the Mayor and upon satisfactory proof that the Mayor and/or Managing Director have made a diligent effort to recruit and hire a department director.

B. An acting department director who has been appointed to serve as department director but who fails to be confirmed by vote of Council shall continue to serve as acting director no longer than a period of 30 days from the date of the negative vote by Council, unless Council agrees to extend for ninety-day period(s) as set forth in the preceding subsection.

C. No appointed person shall serve as acting department director or temporary manager unless employed by the City of Reading prior to such appointment or approved by City Council resolution. Council shall, within 30 days, approve the acting director/manager appointment or the appointment shall be deemed approved.

D. Whenever the acting department director or temporary manager is absent due to vacation, illness or injury, the person filling that position shall designate a qualified employee from the existing department staff to head the department until the acting department director or

temporary manager returns to duty. (See also Chapter 70, Personnel, § 70-708, Temporary reassignment.)

E. Whenever the department director position is vacant due to removal, resignation, retirement, permanent disability or death, the Managing Director shall appoint a qualified employee from the department to the acting director position, as is required in § 5-401F of this chapter, until such time as the Mayor nominates a replacement to City Council and City Council approves the nomination. (See also Chapter 70, Personnel, § 70-708, Temporary reassignment.)

F. All department directors shall have an annual performance review within 45 days of their anniversary date, or one year after their previous increase date, completed by the Managing Director and reviewed by the Mayor. No director will receive more than one increase per year in any calendar period. The performance evaluations shall be made available for Council members to review. Any salary increase for department directors shall be based on the performance evaluations and the criteria specified in the salary range policies, where applicable, for each position. The Solicitor shall have an annual performance review completed by the Mayor and members of Council. Any salary increase for the Solicitor shall be based on the performance review and the criteria specified in the salary range for the Solicitor position.

§ 5-804. Duties.

A. Direct personally and through subordinates the performance of all functions, duties and operations assigned to and required of the department and its subordinate units by law, the Charter or ordinance and such other activities as may be required by the Mayor and/or the Managing Director that are not in conflict with law, the Charter or ordinance.

B. Develop and prescribe the internal organization of the department and its subordinate units, subject to the approval of the Managing Director, and in accordance with applicable provisions of law, the Charter, or ordinance.

C. Assign duties and responsibilities, to subordinate officers and employees within the department and modify those assignments consistent with and in response to the changing exigencies of service, subject to the approval of the Managing Director.

D. Develop and prescribe, in written form, an administrative manual of policies and procedures for the department subject to the approval of the Managing Director.

E. Prepare and submit departmental budget requests in accordance with schedules, forms, and policies as prescribed by the Managing Director and in accordance with the Charter.

F. Prepare and submit reports prescribed by the Managing Director.

G. Cooperate with and furnish to any department or unit of the City any information (except confidential information), service, labor, material, and equipment that may be necessary to perform a municipal function.

H. Be aware of and coordinate the activities of the department with appropriate area wide regional and intergovernmental programs; keep the Managing Director informed of the activities and policies of such programs as they affect the department or the City and make analyses and recommendations regarding such activities and policies when appropriate.

I. Administer and evaluate intergovernmental contracts and agreements as they relate to departmental functions.

J. Develop and maintain internal administrative and budgetary controls and productivity and performance standards to assure maximum levels of quality and quantity of service within budgetary limitations.

K. Keep abreast of developments in administrative policies, management techniques, technological advances and make recommendations to the Managing Director concerning actions of Council or administrative regulations for the utilization of those policies, techniques and technologies deemed to be in the best interests of the department and the City.

L. Keep abreast of all state and federal laws and municipal ordinances and administrative regulations relating to the functions of the department.

M. Serve as a member of any committee or as a staff officer or provide staff services to any authority, board, or commission to which the department director may be assigned by the Managing Director.

N. Develop personnel planning and employee development plans annually for the department, including the planning and execution of appropriate training and education programs.

O. Establish and enforce rules and regulations for the use of municipal facilities and services and issue such licenses and permits as may be required by ordinance where applicable.

P. Develop and recommend to the Managing Director uniform rate structures for those services for which user fees are charged where applicable.

§ 5-805. Department of Administrative Services.[5]

A. Function. The Department of Administrative Services shall be responsible for the administration of City's financial management, human resources, Information technology, and purchasing functions. In addition, the Department shall direct the operation of the Citizen's Service Center.

(1) Specific financial management responsibilities assigned to the department Include: budget preparation, insurance management, pension administration, and the receipt, accounting, expenditure, investment, custody, and control of the City's funds except to the extent that such activities are expressly charged by the law, Charter, or ordinance to any other City unit.

(2) Specific human resources responsibilities assigned to the department include: recruiting, recommending, hiring, assignment, reassignment, bidding, training, performance evaluation, discipline and discharge of all employees. Furthermore, the Department shall be responsible for the administration of all employee benefit programs, risk and safety programs, workers compensation, labor negotiations, insurance analysis, and civil service programs.

B. Department Director. The Department Director shall be responsible to the Managing Director for the function and performance of the Department.

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5. Editor's Note: Added 8-26-2013 by Ord. No. 35-2013; this section replaced original § 1-185, Department of Finance.

* Updated - Ordinance No. 34-2016

§ 5-806. Fiscal provisions. [Amended 8-26-1996 by Ord. No. 24-1996; 2-24-1997 by Ord. No. 4-1997A; 1-24-2000 by Ord. No. 1-2000; 2-26-2000 by Ord. No. 36-2000; 4-9-2001 by Ord. No. 11-2001; 4-23-2001 by Ord. No. 16-2001; 10-11-2004 by Ord. No. 42-2004; 1-26-2009 by Ord. No. 3-2009; 2-9-2009 by Ord. No. 4-2009; 11-9-2009 by Ord. No. 54-2009; 10-12-2009 by Ord. No. 55-2009; 10-26-2009 by Ord. No. 60-2009; 4-11-2011 by Ord. No. 17-2011; 9-26-2011 by Ord. No. 45-2011; 2-27-2012 by Ord. No. 14-2012; 8-27-2012 by Ord. No. 86-2012; 10-22-2012 by Ord. No. 98-2012; 8-26-2013 by Ord. No. 35-2013; 5-26-2015 by Ord. No. 25-2015]

A. Fiscal year.

Editor's Note: Provisions of the Charter are set forth below:

§ 901. Fiscal year.

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

B. Administrative Services Director.

(1) Bonding. The Administrative Services Director shall be bonded in such amount as determined by the Administrative Code. He/she shall assist the Managing Director in determining which personnel in the Administrative Services Department shall be bonded.

(2) Policies and procedures. The Administrative Services Director shall be responsible for preparing policies and procedures as required by the Administrative Code. These policies and procedures shall be available to the public for inspection. Copies may be made for the public at a reasonable cost not in excess of reproduction which may include both direct and indirect costs of such reproduction.

(3) Securities. The Administrative Services Department is authorized and empowered on behalf of the City to establish and maintain accounts with those banks and brokers as are necessary and convenient for the purchase and sale of any and all forms of securities which are in accordance with the City's investment policy as per Subsection D herein.

C. Regulations concerning appropriations and transfers.

(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 procedure 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 revenues, expenditures, borrowing, and any use for each City department and each City Fund account, and status reports comparing those expenditures with the adopted budget. The report shall include an estimate of the fiscal year-end projections for both revenues and expenditures. All reports shall also include the receipt or forecast of nonrecurring revenues. For the purpose of this policy, nonrecurring revenues shall

include land or asset sales, use of fund balance, transfers from other funds that exceed ongoing and sustainable levels, and transfers from other funds that exceed legal limits. Nonrecurring revenues also include any revenue that is anticipated to be received for only one year. In addition to these monthly reports, the Managing Director shall also submit quarterly financial reports as outlined in initiative FI04 of the City's Act 47 Recovery Plan dated June 11, 2010.

(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 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 and/or Managing Director'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 ordinance. 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) Interfund borrowing.

(a) The City will limit its use of interfund borrowing to obtain cash from one fund type or reserve to fund activities of another fund type or reserve, and will apply the following conditions to limit such borrowings:

[1] The borrowing deemed a lawful use of such funds;

[2] The Director of Administrative Services has determined that the funds to be borrowed will not be needed by the lending fund during the lending period;

[3] The borrowing is for a temporary period with repayment scheduled during the same fiscal year;

[4] Any borrowing activity that cannot be repaid by the end of the fiscal year, other than temporary lags in reimbursements, will be disclosed along with a plan for replenishment within 10 calendar days of the transaction;

[5] No such borrowing shall cause the City to be in noncompliance with its policy on structurally balanced budgets;

[6] No such borrowing shall cause the City to be in noncompliance with applicable federal and/or state requirements or agreements; and

[7] For existing borrowings that are not in compliance with this policy, the City shall adopt budgets and a plan to come into compliance by the end of 2015.

(b) Any actions taken to borrow money under these conditions must be separately disclosed in the City's periodic financial reports to City Council with an anticipated repayment date. If the cumulative amount that one fund borrows from another fund(s) during the calendar year is more than $500,000, any amount in excess of $500,000 must be approved by Council. Similarly, if the cumulative amount borrowed from one fund by any other fund(s) during the calendar year is more than $500,000, any amount in excess of $500,000 must be approved by Council.

(6) Fund transfers and subsidies. The City may make permanent, annual transfers from other City funds into the General Fund under the following conditions:

(a) Use a cost allocation method to allocate administrative and overhead costs to other funds or programs receiving administrative services from the City. The cost allocation method must be applied consistently across funds and years. The cost allocated to each fund must be sustainable by those other funds. A summary of cost allocation method for each allocated cost shall be maintained in writing.

(b) There shall be an adopted schedule for transfers included in the annual budget. Transfers that are not annual shall occur at least quarterly. The City may also make transfers from enterprise funds according to the following conditions:

[1] The transfer complies with all applicable federal and/or state requirements and agreements.

[2] The transfer is based on an adopted calculation methodology applied each year. This methodology may be based on percentage of revenues, return on investment, percentage of net revenues, or other calculation adopted by the City Council. The methodology should be adopted consistently each year.

(7) Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeding $10,000 including fund transfers and subsidies. 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.

(8) Requiring City Council approval, via ordinance, for the following:

(a) Salary increases for Department Directors that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees. Please see Personnel Code Section 701[6] for salary increases for other employees.

(b) All expenditures not approved and listed in the operating or capital budgets for the fiscal year prior to those expenditures occurring.

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6. Editor's Note: See Ch. 70, Personnel, § 70-701, of the City Code.

(c) All expenditures and allocations of $10,000 or more from and to any and all line items falling in the Departmental and Nondepartmental area of the General Fund.

(d) Any transfer from the reserve. **[Added 10-12-2015 by Ord. No. 55-2015]**

(9) Structurally balanced budget and reserve: The City's objective is to achieve and maintain a structurally balanced budget in all funds such that recurring revenues fund recurring expenditures. Beginning in 2015, the City shall maintain a reserve containing a minimum of two months of regular general fund operating expenditures. Should the level of the reserve fall below the value of two months of regular general fund operating expenditures, nonrecurring revenues and budget surpluses should replenish reserve levels to the above minimum level. Excess amounts above the minimum level may be used to pay down outstanding long-term debt and fund capital budget projects, in that order. To that end, the Director of Administrative Services shall report to the Managing Director and City Council on the inclusion of any nonrecurring revenues in each budget, forecast or actual report of financial results. That report should include the amount and use of any nonrecurring revenues. For the purpose of this policy, nonrecurring revenues shall include land or asset sales, use of fund balance, transfers from other funds that exceed ongoing and sustainable levels, and transfers from other funds that exceed legal limits. Nonrecurring revenues also include any revenue that is anticipated to be received for only one year. **[Amended 10-12-2015 by Ord. No. 55-2015]**

(10) Report on policy compliance. The elected City Auditor will report quarterly to City Council on the City's compliance with these policies. This report shall be made available to the public.

D. Bank and investment accounts.

(1) The City of Reading City Council shall, annually, authorize all bank and investment accounts opened and used by the City by resolution on or before the last day of January of the new calendar year.

(2) New bank and investment accounts shall only be opened under the signature of the Director of Administrative Services, the City Auditor, Mayor or the Managing Director and shall be approved by Council resolution before any funds are deposited.

E. Purchasing.

(1) Responsibility. The Administrative Services Director, in consultation with the Managing Director, shall develop a purchasing policy and procedure for the purchase of supplies and materials and the sale of personal and real property; such policy and procedure under these fiscal provisions is made a part hereof and marked "Exhibit A" and hereafter referred to as "Policy and Procedure."[7]

(2) Purchasing policy.

(a) The overall authority and responsibility for City purchasing is centralized within the Department of Administrative Services.

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7. Editor's Note: Exhibit A, Purchasing Policy and Procedures, is included as an attachment to this chapter.

(b) The purchasing policy and procedure is applicable to all departments, offices and agencies and shall include the service function of ordering and buying goods and services. In addition, functions such as planning and scheduling purchases, seeking competition, assuring the preparation of proper specifications, and enforcing compliance with all purchasing regulations and procedures shall be part of the purchasing policy and procedure.

(3) Purchasing Manager.

(a) The Purchasing Manager shall have the authority to:

[1] Purchase or contract for all materials, supplies, equipment and contractual services for all City departments, offices and agencies with the exception of:

[a] Books, subscriptions.

[b] Business meeting expenses.

[c] Charitable contributions.

[d] Dues.

[e] Items that can legitimately be purchased via the petty cash process.

[f] Postage.

[g] Tuition.

[h] Travel, meals, mileage.

[i] Utility services.

[2] Review all requisitions for the purchase of materials, supplies, equipment and services not exempted from this regulation for quality and cost.

[a] The purchasing process will begin with the Department Director's formulation of specifications that identify and describe the product or service to be purchased.

[b] The Purchasing Manager will assure that the specifications meet the Department's needs, but do not call for features or a level of quality not necessary for the item's use.

[c] If there is a lack of agreement between the Purchasing Manager and the Department Director concerning any specifications, the Purchasing Manager will refer the matter and all support documentation to the Administrative Services Director for final determination.

[3] Prepare, in cooperation with department directors, standard written specifications for supplies and/or services not exempted by this regulation especially those common to various City functions.

[4] Place orders for all supplies, materials, equipment, or services, not exempted by this regulation, by the issuance of a purchase order.

[a] It is the general policy of the City to make awards to the responsible 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 considered by the Purchasing Manager to determine the lowest-cost vendor who meets the specifications.

[b] When the Purchasing Manager or department director deems that an award should be made to other than the lowest-cost vendor or when the Purchasing Manager and the department director fail to agree, the matter with all supporting information shall be referred to the Purchasing Committee for final determination.

[5] Dispose of surplus or unused material supplies or equipment after they have been declared as surplus by the Department Director wherein the materials, etc., are located and such declaration is agreed to by the Purchasing Manager. In the event the Purchasing Manager and the department director fail to agree on what materials are surplus, the matter with all supporting information shall be referred to the Managing Director for final determination. Disposal shall be on an annual basis or more frequent basis as needed and in accordance with the policy and procedure.

[6] Enforce all purchasing regulations and procedures, and any such purchases pursuant to this section shall be done in accordance with the policy and procedure.

(b) The Purchasing Manager has the following responsibilities:

[1] Procure for the City the highest quality in commodities and services that meet the user's needs at the lowest cost.

[2] Purchase as many items as feasible in bulk to take full advantage of discounts.

[3] Keep informed of current development in the field of purchasing including prices and market developments.

[4] Keep accurate and up-to-date records of all verbal and written solicitations and bids in a manner that they are available for public inspections.

[5] Provide assistance to any department director as required to draft specifications.

[6] Formulate and circulate for approval, modification or additions to purchasing regulations and procedures as deemed necessary.

[7] Contact Pennsylvania Department of Labor and Industry when the invitation to quote/bid is formulated, if the Pennsylvania Prevailing Wage Act, 43 P.S. § 165-1 et seq., is applicable.

(4) Emergency authority. In case of an emergency, purchase authority is delegated to the individual department directors when the Purchasing Manager is unavailable, i.e., after normal working hours. Such purchase authority shall be exercised in the manner set forth in the policy and procedure.

(5) Department directors.

(a) The department directors have the authority to:

[1] Determine the need for all materials, supplies, equipment and service for his/her department.

[2] Formulate specifications that are clear, concise and descriptive of all the requirements for all intended purchases.

(b) The department directors have the responsibility to:

[1] Furnish the Purchasing Manager with all necessary information to assure that the purchase will be correct in all details.

[2] Provide specifications that are clear and rated for the use intended.

[3] Provide a justification when requesting a proprietary item.

[4] Provide a list of suggested vendors. This will assist the Purchasing Manager in locating the item, although it does not restrict the Manager in looking elsewhere.

[5] Notify Purchasing Manager when the material, supplies, or equipment is delivered and if it is inferior in quality or unsatisfactory.

[6] Notify Purchasing Manager annually, by the date established by the Purchasing Manager, of any surplus, obsolete or scrap materials or equipment that exist in the department.

F. Investments.

(1) Responsibilities. The Administrative Services Director shall be responsible for identifying money (except monies belonging to pension funds) to be invested, understanding the options available and for what time period, communicating this information to the Managing Director, implementing the decision, and making regular reports regarding these actions to the Mayor, Managing Director and Council. All investments shall comply with PA Act 72 as currently constituted.

(2) Types of investments. The Administrative Services Director shall invest in these types:

(a) Any obligations of the United States government for one year or less.

(b) United States Treasury Bills.

(c) Short-term obligations of the United States government or its agencies.

(d) Savings accounts or time deposits of Pennsylvania institutions insured by the Federal Deposit Insurance Corporation or the National Credit Union Share

Insurance Fund up to the amount covered by insurance with the remainder covered by approved collateral pledged by the depository.

(e) Obligations of the United States, State of Pennsylvania, any political subdivision of the state and any of their agencies or instrumentalities, backed by their full faith credit.

(f) Prime commercial paper (unsecured promissory notes issued by any industrial, common carrier, public utility or finance company or corporations of $1,000,000,000 of assets or more) having no litigation pending or threatened against the prime commercial paper, being not in default upon any of its outstanding obligations, whose credit has been approved by the national credit office, incorporated or its successor and the investments make up 10% or less of the City's total portfolio.

(g) Certificates of deposit from institutions having their principal place of business in the state and insured and collateralized as in Subsection F(2)(d) above.

(h) Shares of investment companies properly registered investing only in the investments in Subsection F(2)(a) through (g) above.

(3) Combining investments. Investment monies may be combined to purchase investment(s), provided such funds are accounted for separately in all respects and earnings from investments that are separately and individually computed and recorded and credited to the accounts from which the investment was purchased. Investment monies can be combined to purchase investment(s) pooled with other political subdivisions and municipal authorities in accordance with P.L. 180 of July 12, 1972, 53 Pa.C.S.A. § 2301 et seq., provided there is separate and equal computation, recording and distributions of earnings. All investments shall comply with PA Act 72.

G. Signing checks.

(1) Documentation. The issuing and signing of all City checks shall be in accordance with the following:

(a) The amount expressed in the request is allocated for in the department budget.

(b) The person presenting the request shall provide evidence that the amount due is for the payee in whose name it is drawn.

(c) Supplies, services or other consideration for payment has been processed by purchasing regulations if required.

(d) Supplies, services or other consideration for payment has been verified that they have been furnished or performed according to law or contract.

(2) Check signatures.

(a) The Administrative Services Director and the City Auditor shall sign all checks drawn against the City Treasury. Facsimile signatures may be used.

(b) In the event of the absence of the Administrative Services Director, the Mayor shall have the authority to sign checks in his/her place and stead.

(c) In the event of the absence of the City Auditor, the auditing coordinator in the office of the City Auditor or the City Solicitor shall have the authority to sign checks in his/her place and stead.

(d) "Absence," as used in this section, is hereby defined as failure to be present in Reading City Hall for a period of three consecutive full business days or more for any reason including, but not limited to, vacation, illness, mental or physical incapacity or death.

(3) Limitations.

(a) No signed check shall be distributed, mailed, or released unless there is sufficient money in the particular budget from which it is drawn, as well as the checking account to cover it at the time the check has been issued.

(b) Exception is made for payroll as it is subject to FLSA and federal wage and overtime regulations.

H. Record of assets. The Administrative Services Director shall keep a complete record of books and accounts under appropriate titles, to show separately and distinctly all of the assets, property inventory, trusts, and indebtedness and all of the receipts and expenditures of the various departments. He/she shall supervise and control the accounts of all of the departments, and may require a written statement of all money or property of that department.

I. Annual budget.

(1) Submission and adoption. Section 902 of the Charter provides:

§ 902. Submission of Balanced Budget and Capital Program.

On or before 90 days prior to the ensuing fiscal year the department heads will submit a proposed budget and capital program to the Managing Director. On or before 90 days prior to the ensuing fiscal year the Mayor will submit to the City Council a balanced budget, capital program, and an accompanying message. The proposed balanced budget and capital program shall be in such form as the Mayor deems desirable, unless otherwise required by Council.

(2) Budget message.

(a) Section 903 of the Charter provides:

§ 903. Budget message.

The budget shall be accompanied by a message which shall include:

(a) An explanation of the expenditures and revenues in the proposed budget, indicating and explaining major changes from the current year and the prior year.

(b) An outline of proposed programs and an explanation of new, expanded, or abolished programs or functions.

(c) A summary of the City's debt position.

(d) Such other material that will inform the Council and the public of municipal goals.

(3) Budget organization and content.

(a) Section 904 of the Charter provides:

§ 904. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by this Charter, shall be in such form as the Mayor deems desirable or the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

(a) It shall begin with a general summary of its contents.

(b) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

The estimated income shall mean the total of estimated revenue plus the prior fiscal year's fund balance. If a deficit exists, a plan to eliminate that deficit must be included in the budget.

(c) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

(d) It shall show the number of proposed employees in every job classification and the proposed salaries of all exempt employees beginning in 2009.[8]

(e) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding four fiscal years.

(f) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.

(g) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practicable, and the proposed method of financing each such capital expenditure. The Mayor will include this separate capital program section in the annual budget and submit to Council with appropriate supporting information as to the necessity for such programs.

(h) It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

Editor's Note: Section 901 of the Charter provides:

§ 901. Fiscal year.

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8. Editor's Note: At the November 2014 General Election, this subsection of the Charter was amended to read as follows: "It shall detail the number, salary, and benefits of proposed employees in every job classification. This detail shall be delivered to City Council in a form acceptable to be included in the Annual Position Ordinance adopted in unison with the Budget Ordinance. It is expressly understood the Annual Position Ordinance must be amended prior to actual hiring of City personnel exceeding that authorized by the current Annual Position Ordinance."

The fiscal year of the City shall be the calendar year. If not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

(b) The budget shall include the position ordinance, defined in § 5-212, Ordinances, which shows the number of all proposed employees in every job classification, as defined in § 70-201, Categories of employment, highlighting *changes and the proposed salaries of all exempt employees beginning in 2009*(plain italic language required by Bill No. 3-2009 enacted January 26, 2009, and approved by the Mayor January 27, 2009).

[1] In some cases, however, prudent succession management may call for temporarily exceeding the position allowance in a particular department. Some examples are:

[a] When there is a known planned retirement of an individual in a highly technical position, smooth operations would call for an extended period of knowledge transfer that would require hiring the replacement individual prior to the retirement.

[b] In the case of extended apprenticeships or training periods, such as police, it would make sense to consider the historic rate of attrition when determining the ideal class size. This would provide a more consistent number of trained staff versus the current system which can produce peaks and valleys.

[2] Therefore, in order to manage the operations of the City more effectively, City Council may, by ordinance, authorize the Managing Director to exceed the position ordinance for any department with the following conditions:

[a] No departmental position ordinance will be exceeded for a period of time greater than six months.

[b] The temporary addition of employees will not cause the total wages of the City to exceed budgeted levels.

[c] The Managing Director will report to Council on all planned hires which will exceed any position ordinance and will report on the status of all such hires on a regular basis.

[d] At no time will the total number of City employees exceed the total number of employees authorized under position ordinances by more than 10 employees.

(4) Adoption.

(a) Section 905 of the Charter provides:

§ 905. City Council action on budget.

(a) Notice and hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the budget with a notice stating:

(1) The times and places where copies of the budget message and budget document are available for inspection by the public.

(2) The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the budget. The public hearing shall not be on the date of a regular Council meeting.

(3) The proposed budget shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

(5) Amendments.

(a) Section 905 of the Charter provides:

§ 905(b) Amendment before adoption.

After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the City Council.

If the amended budget increases, decreases, or readjusts funding requirements by more than 5% or adds or deletes a program, the budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three normal City workdays.

Council shall provide for another public hearing to be held within five days after the Mayor has resubmitted the budget.

(b) After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income and thereby allowing for line item changes by the Council.

(c) If the amended budget increases, decreases, or readjusts funding requirements by more than 5%, or adds or deletes a program, the budget shall be returned to the Mayor immediately for comment and resubmission to the Council within three normal business days. Three normal City work and/or business days ("normal business days") shall mean weekdays and shall exclude Saturdays, Sundays and holidays.

(d) Council shall provide for another public hearing to be held within five regular business days after the Mayor has resubmitted the budget. Five normal City work and/or business days ("normal business days") shall mean weekdays and shall exclude Saturdays, Sundays and holidays.

(6) Adoption.

(a) Section 905 of the Charter states:

§ 905(c) Adoption. Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a budget by December 15, then the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.

(b) The Council must adopt an annual budget by no later than December 15 of the fiscal year currently ending. If Council fails to adopt an annual budget by that date, the Mayor's original proposed balanced budget shall become the official budget of the City for the ensuing fiscal year.

(c) Within 30 days after the adoption of a budget ordinance, the Administrative Services Director shall file a copy of the budget with the appropriate state agency.

(7) Revised budget.

(a) Section 906 of the Charter provides:

§ 906. Revised budget.

Notwithstanding any other provisions of this article, when the fiscal year of the City is the calendar year, in any year following a municipal election year the Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Council. The procedures for adopting a revised budget shall be in accordance with §§ 905, 906, with the time periods adjusted to 45 days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance of the previous Council. It is the intent of this Charter that a new Council, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Council.

(b) Within 15 days after the adoption of an amended budget ordinance, the Administrative Services Director shall file a copy with the appropriate state agency.

(8) Amendments after adoption.

(a) Section 908 of the Charter provides:

§ 908. Amendments after adoption.

(a) Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 220 of this Charter.

(b) Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the budget.

(c) Transfer of appropriations may be made in accordance with provision of the Administrative Code.[9]

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9. Editor's Note: At the November 2014 General Election, this subsection of the Charter was amended to read as follows: "Transfer of appropriations shall be made in accordance with the provisions of § 215."

Editor's Note: Section 220 of the Charter provides:

§ 220. Emergency ordinance.

An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinance generally, except that it shall be plainly designated as an emergency ordinance and shall describe in clear and specific terms the nature of the emergency. Every emergency ordinance shall automatically stand repealed as of the 91st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance if the emergency still exists.

(b) Transfer of appropriations may be made in accordance with the provision of the Administrative and Fiscal Codes in accordance with the provisions of § 908 of the Charter.

J. Capital program.

(1) Definitions.

(a) Capital improvement program (CIP). A five-year plan that shall contain eligible capital projects listed in order of priority for funding during the five-year period.

(b) Capital project. Any project funded or proposed to be funded by public monies in part or whole to build, restore, retain, rehabilitate, purchase or repurchase any equipment, property, facility, infrastructure, vehicle, hardware for information technology, park facility, or building that is to be used for the public benefit or is a public asset, and has minimum total value of $50,000.

(c) Capital program budget. An annual budget that shall identify the total funding and source of funding for each capital project adopted in the capital improvement plan that to be executed during the fiscal year.

(d) Capital purchase. Any purchase of a vehicle or other motorized equipment.

(e) Capital expenditure. An allocation from the capital budget for an approved capital project.

K. Capital priorities. Each year in the first week of May, the Mayor shall provide an annual statement of CIP priorities to the Council and to the departments funded by the CIP. The statement of priorities shall indicate substantive outcomes that the City is seeking to achieve through projects funded through the CIP and operational goals.

(1) Project and purchase proposals.

(a) Each year in the first week of June, the Administrative Services Department (ASD) shall issue a formal request to each City department for capital project proposals. The request shall be via a standard format set by the ASD that includes an estimate of the aggregate size, in dollar figures, of the proposed capital budget for the fiscal year.

(b) Each capital project and purchase proposal shall be submitted to the ASD by the first week of July and shall include the following:

[1] For projects:

[a] A description of the geographic location of each proposed capital project. If a capital expenditure is for a general Citywide project, the description shall list anticipated locations, but note that the list may not be exhaustive;

[b] An estimated timeline for the completion of the capital project;

[c] An estimated total budget for the capital project;

[d] Any potential impact the capital project may have on the City's operating budget;

[e] The estimated useful life of the capital project;

[f] For capital projects related to the general maintenance of infrastructure, the total projected funds required to improve or rehabilitate the infrastructure type citywide to an acceptable state of function of repair;

[g] The departmental priority for each capital project submitted;

[h] A statement of whether the capital project will impact public safety or public health;

[i] A statement of whether the project is CDBG eligible;

[j] A proposed source of financing;

[k] A statement of whether the capital project is consistent with the City Comprehensive Plan.

[2] For purchases:

[a] A description of the proposed vehicle's use;

[b] A description of the condition of the vehicle being replaced including mileage and age;

[c] The inventory of vehicles used by the department with a statement of primary purpose and frequency of use;

[d] An estimated total budget for the capital purchases.

(c) Charter § 911(b)(6) states that all capital projects must be included in the Capital Program Budget.

(2) Capital Improvement Program Committee, the CIPC.

(a) The Capital Improvement Program Committee (CIPC) shall advise the Mayor and City Council on the selection and prioritization of all capital projects and ensure that the CIP is properly administered. The membership of the CIPC shall consist of the following seven members:

[1] Director of Administrative Services;

[2] Director of Community Development;

[3] Director of Public Works;

[4] Chief of the Fire Department;

[5] Chief of the Police Department;

[6] City Auditor;

[7] One Member of City Council, appointed by the President of City Council.

(b) The Chair or assignee of the CIPC shall provide a complete listing of all capital project proposals for the CIPC members to review and analyze prior to the meeting on the proposed projects.

(c) The Chair or assignee of the CIPC shall produce a report on the findings of the committee.

(3) Contents of the CIPC report.

(a) Each year the CIPC shall produce a report, as required by Section 911(d)(1) of the Home Rule Charter, Preliminary feasibility study, that details the following:

[1] A clear general summary of its contents;

[2] Cost estimates and recommended time schedules for each improvement of other capital expenditure;

[3] Method of financing, upon which each capital expenditure is to be reliant;

[4] The annual cost of operating and maintaining the project to be constructed or acquired;

[5] The percentage of total funds to be allocated to capital purchases versus capital projects.

Charter § 911(b)(2) also requires a list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each.

(b) Each capital project proposal shall be ranked by the CIPC according to the following criteria:

[1] Projects that will resolve an imminent threat to public or employee safety or health;

[2] Achieve compliance with federal or state statutory mandates;

[3] Reduce expenditures in the operating budget;

[4] Improve efficiency or effectiveness of service delivery;

[5] Comply with the City's Comprehensive Plan;

[6] Achieve community or economic revitalization;

[7] Any other criteria as determined by the Committee.

(c) The CIPC shall also evaluate the five-year CIP and propose any changes that are necessary to ensure that the plan is consistent with the City's capital needs.

(d) The CIPC report shall be provided to the Mayor by no later than the first week of September of each year, and the Chair of the Committee or assignee shall draft the report.

(4) Submission and approval.

(a) The Mayor shall prepare and submit to the City Council a five-year capital program no later than the final date for submission of the budget. The capital program shall include a capital budget. The proposed five-year capital program and budget shall be posted on the City's website for public review on the date the budget is submitted to Council.

(b) The Mayor, with the assistance of the Managing Director, Administrative Services Director and the Director of Community Development and in accordance with the provision of the Municipalities Planning Code (53 P.S. § 10209.1), the Managing Director shall be responsible for developing administering the capital budget. The Mayor shall prepare and submit to the City Council a five-year capital program no later than the final date for submission of the budget.

(c) The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.

(5) Final proposal and financing. [Charter § 911(d)]

(a) The final capital project proposal and financing shall include:

[1] A clear general summary of its purpose and justification.

[2] The cost estimates and time schedule for the capital project, including the cost of the post-project-completion audit.

[3] The method of financing and sources upon which this capital project is reliant.

[4] The annual cost of operating and maintaining the project to be constructed or acquired.

[5] This final capital project proposal will be published and made available for the public to review (use notice and hearing notice, Charter § 912). Capital project replaces capital program.

[6] The final Council approval of capital projects will require five votes to approve.

(b) The contracts for capital projects shall be subject to the procurement process established by the Charter and the Code.

(6) City Council action on the capital improvement program (Charter § 912).

(a) Notice and hearing. Council shall publish in one or more newspapers of general circulation in the municipality the general summary of the capital program with a notice stating:

[1] The times and places where copies of the capital program message and capital program document are available for inspection by the public.

[2] The time, place, and date, not less than 15 days or more than 30 days after such publication, for a public hearing on the capital program. The public hearing shall not be on the date of a regular Council meeting or on hearing date of the operating budget.

[3] The proposed capital program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

(7) Adoption. [Charter § 912(b)] Council must adopt an annual capital program by no later than December 15 of the fiscal year currently ending. If Council fails to adopt a capital program by December 15, then the Mayor's original capital program shall become the official capital program of the City for the ensuing year.

(8) Capital project execution. [Charter § 911(d)(3), Capital project reporting]

(a) Current projects. All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Administrative Services Director and the Project Manager to the City Council in such a form that it is available to the public.

(b) Quarterly report. The quarterly report on all capital projects approved for the current budget year shall be distributed to Council by the last day of each fiscal quarter. The report shall include the following:

[1] A clear general summary of its purpose and justification.

[2] A statement of each project's status as of the date of the report.

[3] A statement of whether the project is 50% more or less completed.

[4] The cost estimates and time schedule for each capital project, including the cost of the post-project-completion audit.

[5] The method of financing and sources upon which this capital project is reliant.

[6] The annual cost of operating and maintaining the project to be constructed or acquired.

Also refer to Charter § 911(d)(3)(a):

Current projects. All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Finance Manager and the Project Manager to the City Council in such a form that it is available to the public.

(c) Extended projects. If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained, the project must go through § 911(d)(1) and (2) of and as required by the Charter § 911(d)(3), and Subsection K(1), (2) and (3) of this section in the subsequent year.

(d) Post-project-completion audit. [Charter § 911(d)(4)] Following completion of the capital project, a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

L. Annual financial report.

(1) Section 308 of the Charter provides:

§ 308. Powers and duties of the Mayor.

The Mayor shall have the following powers and duties:

(c) Inform City Council and the public each January of the financial and general condition of the City.

(2) The Mayor, with the assistance of the Managing Director, Administrative Services Director and other appropriate department directors, shall:

(a) Inform Council and the public by the end of each January of the financial and general condition of the City. This report shall be as complete as possible but shall not be in the detail required under Subsection K(2)(b).

(b) Report (under oath) to the Council and appropriate state agency, by the end of each March, a comprehensive financial report in accordance with the standards set forth by GASB and GAAP.

(c) Prepare, review and update as necessary procedures necessary to implement this section, which shall include the following:

[1] The format of the report (taking into consideration the maximum standards of the GASB and the commonwealth).

[2] Dissemination to the public.

[3] A descriptive and textual analysis of the state of the City, and the City's finances.

(d) When a new Mayor has been elected, the Mayor leaving office must submit as comprehensive a report as possible by December 31 of the final year of his/her term. The new Mayor shall review this report by January 31 of the year he/she takes office and proposed comments and additions to the report in preparing his/her report pursuant to Subsection K(2)(a).

M. Risk management.

(1) Responsibility. The Administrative Services Director shall collaborate with the Managing Director in developing a risk management procedures manual.

Additionally, the Administrative Services Director is responsible for joint reports to the Mayor, Managing Director and Council.

(2) Reports. Reports issued by the Administrative Services Director shall include the following:

(a) Status of insurance (including self-insurance, requests for proposals for insurances which shall be considered professional services under this code), competitive bidding procedures.

(b) Claims.

(c) Bonds.

(d) Other items under risk management.

N. Contracts.

(1) Approval of contracts.

(a) Section 915 of the Charter provides:

§ 915. Bidding process.

(a) Whenever the estimated cost of any construction, erection, installation, completion, alteration, repair of, or addition to, any project subject to the control of the City shall exceed $10,000, it shall be the duty of said City to have such work performed pursuant to a contract awarded to the lowest responsible bidder [subject to Subsection(d)], after advertisement for bids. Every such contract shall contain a provision obligating the contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not the said material, labor, equipment or service enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, co-partnership, association or corporation who, as subcontractor or otherwise, has furnished material, supplied or performed labor, rented equipment or service in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any such person, co-partnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment.

(b) The City may make contracts for carrying into execution the provisions of the Code, ordinance and the laws of the State of Pennsylvania. Council approval shall be required of all contracts with a value of $35,000 and over, and all collective bargaining agreements. Any contracts for $34,999.99 or less shall be entered into by the Mayor and Managing Director as shall be determined without requirement of approval by Council. All contracts or purchase not in excess of $10,000 shall be approved by the Mayor and the Managing Director.

(c) Ethics Code § 6, Prohibited Behaviors, Letter H, Awarding Contracts:

H. Awarding Contracts.

1. To the extent that it is not inconsistent with federal or state law: (i) a City Employee, (ii) a City Official, (iii) any Immediate Family of a City Employee or City Official; or (iv) any for-profit business entity in which the City Employee, City Official, or any Immediate Family has a Material Interest, shall not enter into any Contract valued at Five Hundred Dollars ($500.00) or more with the City or any City agency or instrumentality, unless the Contract has been awarded through an open and public process, in accordance with Pennsylvania law, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the City Official or City Employee shall not have any supervisory or overall responsibility for the implementation or administration of the Contract. Any Contract or subcontract made in violation of this subsection may be subject to further penalties, pursuant to the terms and provisions of the Pennsylvania Public Official and Employee Ethics Act (65 Pa.C.S.A. § 1101.1 et seq.).

2. Prior to entering into or awarding any No-Bid Contract, the City Employee, Official, agent or instrumentality entering into such No-Bid Contract on behalf of the City, must immediately provide the Board of Ethics with the following information:

   i. The name and address of all contracting parties;

   ii. A draft copy of the contract to be entered into;

   iii. A report, in compliance with 25 P.S. § 3260a (Section 1641 of the Pennsylvania Election Code), as amended, which shall provide the following:

      a. An itemized list of all political contributions known to each contracting party by virtue of the knowledge possessed by every officer, director, associate, partner, limited partner, or individual owner that has been made by:

         1. Any officer, director, associate, partner, limited partner, individual owner or members of the immediate family of the aforementioned parties when the contributions exceed an aggregate of One Thousand Dollars ($1,000.00) by any individual during the preceding year; or

         2. Any employee or members of his or her immediate family whose political contribution exceeded One Thousand Dollars ($1,000.00) during the preceding year.

   iv. Any other information that the Board of Ethics may require.

3. In the event that the intended recipient of a City No-Bid Contract or any officer, director, associate, partner, limited partner, individual owner, member, employee, or Immediate Family of any of the aforementioned parties has made a donation to a political committee of a City Employee, City Official, agent or instrumentality, in excess of the contribution limitations set forth in Section 1-199.22 during any of the preceding two (2) calendar years from the date the draft copy of the proposed contract is submitted to the Board of Ethics, then and in that event the City is prohibited from awarding that No-Bid Contract to that intended party.

4. For purposes of this Section, the office that is considered to have ultimate responsibility for the award of the Contract shall be as provided for by the established purchasing policies of the City of Reading.[10]

§ 5-807. Department of Public Works.

A. Function. The Department of Public Works shall be responsible for the design, construction, operation and maintenance of those physical structures and facilities that are owned and maintained by the City. Additionally, it will provide such City functions as streets maintenance, sewage, parks, waste disposal, environmental protection, water authority services and traffic management. Finally, this Department will provide engineering services for its own activities as well as the activities of other departments.

B. Department Director. The Department Director is also the City Engineer and is responsible to the Managing Director for the function and performance of the department.

C. Department Director qualifications. Charter §§ 604 and 706 speak to general qualifications. Charter § 606 specifies that the Director of Public Works shall be a professional civil engineer registered in Pennsylvania.

Editor's Note: Sections 604 and 706 of the Charter provide:

§ 604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See § 705.)

§ 705. Compensation of heads of departments, offices and agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

Editor's Note: Section 606 of the Charter provides:

§ 606. Department of Public Works/City Engineer.

(a) The Department of Public Works is mandated by this Charter. The Mayor shall appoint and fix the compensation of the head of the Department of Public Works/City Engineer. He shall be a professional civil engineer registered in Pennsylvania, and shall perform the duties required through the Administrative Code or other action, or as may be required of a City Engineer by general law.

(b) The Department of Public Works shall include an environmentalist who shall be appointed by the head of the Department of Public Works whose duties shall include education, lobbying, research and public liaison. The environmentalist shall have sufficient technical qualifications for a position of this type.

D. Department Director duties. The duties and responsibilities of the Director shall include, but not be limited to the below. He/she shall direct personally and through subordinates the performance of the below duties.

(1) Provide engineering services either directly or by contract for the City.

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10. Editor's Note: Original § 1-187, Department of Human Resources, which immediately followed this section, was repealed 8-26-2013 by Ord. No. 35-2013.

(2) Construct and maintain the streets and bridges of the City, including the provision of street cleaning, snow removal and ice control services.

(3) Construct and maintain storm and sanitary sewer structures and facilities.

(4) Construct, operate and maintain public wastewater treatment and disposal structures, and facilities.

(5) Install and maintain traffic control devices and directional signs and signals, street name signs, streetlights (as per Met Ed agreement) and parking meters.

(6) Provide services to the Water Authority as requested according to the contract between the City and the Authority as well as the current collective bargaining agreement.

(7) Provide public environmental education, lobbying, research and liaison with other environmental agencies.

(8) Provide for the management and/or collection and disposal of municipal solid wastes including recyclables.

(9) Coordinate Reading beautification program.

(10) Plan, develop, design, and administer in cooperation with other municipal departments, municipal park and recreation facilities owned, acquired, or designated by the City.

(11) Plant and maintain trees on City property.

(12) Provide for custodian services for all municipal buildings.

(13) Provide for inspection and related procedures to assure proper maintenance and repair of sidewalks in accordance with municipal ordinances.

(14) Repair and maintain municipal vehicles and equipment.

(15) Maintain and update Official Maps, plats, and other engineering records of the City.

(16) Provide electrical services.

(17) Plan, develop, design and administer in cooperation with other appropriate departments and agencies of other governments, expansion and modification of facilities for which this department is responsible.

(18) Administer community recreational programs.

§ 5-808. Economic Development Manager. [Amended 10-11-2004 by Ord. No. 42-2004; 6-12-2006 by Ord. No. 46-2006; 2-12-2007 by Ord. No. 13-2007]

A. Position. The Economic Development Manager shall be directed and supervised by the Managing Director and be responsible for the preparation of short- and long-range planning, economic and community development programs.

B. Qualifications. Minimum qualifications for this position are a bachelor's degree in a related field, or its equivalent, plus three years' experience in community planning/development. A master's degree in a related field is preferred.

C. Duties. The duties and responsibilities of the Manager shall include, but not be limited to, the below. He/she shall report to the Managing Director and personally and through subordinates on the performance of the below duties:

(1) Perform the various duties and exercise the powers as prescribed by the Pennsylvania Municipalities Planning Code, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10101 et seq.

(2) Prepare, review and maintain the Comprehensive Plan of the City, including data collection, mapping and analysis.

(3) Develop the capital improvement program and assist in developing priorities and feasibility studies.

(4) Develop community block grant projects and prepare the appropriate funding grant applications.

(5) Enforce historical preservation and land use codes as may be enacted by law or ordinance.

(6) Issue such licenses and permits as may be required by law, ordinance and the Administrative Code.

(7) Coordinate community, economic and other development projects within the City.

(8) Administer urban renewal program activities.

(9) Serve as administrative staff to the Zoning Hearing Board, City Planning Commission, Redevelopment Authority, Historical and Architectural Review Board, and Shade Tree Commission, and provide support services as deemed appropriate.

§ 5-809. Department of Police. [Amended 11-13-2001 by Ord. No. 39-2011; 12-28-2009 by Ord. No. 73-2009]

A. Function. The Department of Police shall be responsible for the protection of persons and property within the City by maintaining law and order.

B. Department Director.

(1) Whenever the Chief of Police (or Acting Chief) is absent due to vacation, illness or injury, the current Chief (or Acting Chief) shall designate one of the police Department's Command Staff to head the department and staff until the Chief of Police returns to duty.

(2) Whenever the position of Chief of Police (or Acting Chief) is vacant due to the removal, resignation, retirement, incapacitation due to permanent disability, as per § 70-715, Disability removal, or death, the Managing Director shall appoint one of the Police Department’s Command Staff to the Acting Chief position, as is required in § 5-401 of this chapter, until such time as the Mayor nominates a replacement to City

Council and City Council approves the nomination. **[Amended 1-27-2014 by Ord. No. 8-2014]**

C. Department Director qualifications. Charter §§ 604 and 705 speak to general qualifications. Merit system rules and regulations define qualifications and appointment process.

Editor's Note: Sections 604 and 705 of the Charter provide:

§ 604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See § 705.)

§ 705. Compensation of heads of departments, offices and agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

D. Department Director duties. The duties and responsibilities of the Chief shall include, but not be limited to the below. He/she shall direct personally and through subordinates the performance of all these duties and responsibilities:

(1) Protect persons and property by maintaining law and order.

(2) Enforce all criminal laws and ordinances.

(3) Detect and apprehend criminal offenders and persons suspected of committing a crime.

(4) Maintain records and files of crimes and criminals.

(5) Operate facility for the short-term detention of persons in custody.

(6) Develop and conduct community relations and education programs.

(7) Conduct in-service training as prescribed by the Commonwealth of Pennsylvania.

(8) Direct other law enforcement personnel with less than full police powers such as school-crossing guards and park rangers.

(9) Coordinate the emergency management services.

(10) Operate and maintain the police radio and other municipal radio and emergency communication systems as may be assigned to the Department.

(11) Maintain records and logs relating to radio and emergency communication systems as required by law.

E. Police powers. Police employed by the City of Reading shall be ex officio constables of the Commonwealth and shall and may, within the City or upon property owned or controlled by the City or by an authority of the City within the Commonwealth, exercise

the powers and prerogatives conferred on police officers by law. Police, when acting as constables, shall have the authority to serve and execute all criminal processes for the violation of municipal ordinances which may be issued, and the fees and costs collected in such capacity shall be paid into the City treasury.

§ 5-810. Department of Fire and Rescue Services. [Amended 9-23-1996 by Ord. No. 30-1996; 5-29-2001 by Ord. No. 14-2001; 2-12-2007 by Ord. No. 12-2007]

A. Function. The Department of Fire and Rescue Services shall be responsible for the protection of persons and property within the City against fire and other hazards.

B. Department Director. The Department of Fire and Rescue Services shall be headed by a Director termed a Chief who shall be responsible to the Managing Director for the performance of the department and for all other responsibilities and obligations that the Managing Director may from time to time assign consistent with the law, Charter or ordinance.

C. Department Director qualifications. Charter §§ 604 and 705 speak to general qualifications. Merit system rules and regulations define qualifications and appointment process.

Editor's Note: Sections 604 and 705 of the Charter provide:

§ 604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See § 705.)

§ 705. Compensation of heads of departments, offices and agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

D. Department Director duties. The duties and responsibilities of the Chief shall include, but not be limited to the below. He/she shall direct personally and through subordinates the performance of the below duties and responsibilities.

(1) Prevent and extinguish fires.

(2) Provide rescue services as appropriate.

(3) Identify, remove and control fire hazards and other hazardous conditions.

(4) Enforce laws, ordinances, rules, and regulations relating to fires and fire hazards.

(5) Maintain computerized fire incident reporting system.

(6) Develop and conduct community relations and education programs.

(7) Responsible for fire communications.

(8) Review records and logs relating to radio and the emergency communication system.

(9) Conduct training programs for department personnel.

(10) Operate the Reading-Berks Fire Training Center in cooperation with the County of Berks.

(11) Administer an apparatus/equipment and facility maintenance, testing and repair program in cooperation with other City departments.

E. Fire Marshal.

(1) Function. The Fire Marshal shall be responsible for the fire investigation, recordkeeping, fire prevention and fire code enforcement for the City.

(2) Appointment. The Fire Marshal shall be appointed by the Mayor as per § 603 of the Charter.

Editor's Note: Section 603 of the Charter provides:

§ 603. Heads of departments, offices, and agencies.

(a) Appointment. Except as otherwise provided by this Charter, the Mayor shall appoint and remove the head of any department, office and agency. An appointment shall not be effective unless City Council by resolution confirms it or fails to reject it within 60 days after the appointment. The appointee shall serve unless rejected by City Council or until removal from office, whichever is sooner.

(b) Removal. The Mayor shall have the power at any time to remove the head of any department, office or agency immediately under the Managing Director's direction and supervision, but the Mayor shall within 14 days notify in writing City Council of the removal and the reason for it.

(3) Status. The Fire Marshal is a member of the Fire Department and reports to its Chief. However, the Marshal shall provide investigative reports to the Mayor, Managing Director and the Chief.

(4) Duties. The duties and responsibilities of the Fire Marshal shall include the following, but not be limited to the following:

(a) Initiate and administer a fire prevention program for the City.

(b) Enforce the fire code in conjunction with the Codes Service Division - Building/ Trades.

(c) Investigate cause and origin of fire as required by the Commonwealth of Pennsylvania Fire Marshal law.

(d) Maintain records as required by all applicable statutes, laws and regulations of the Commonwealth of Pennsylvania, and the City of Reading, the fire prevention code as adopted by the City of Reading[11] and the City of Reading Department of Fire and Rescue.

§ 5-811. Department of Law. [Amended 6-22-1998 by Ord. No. 22-1998]

A. Function.

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11. Editor's Note: See Ch. 237, Fire Prevention and Protection.

(1) The Department of Law shall be responsible for representing the City on all legal questions arising in the conduct of municipal business. The Solicitor, as head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council and all City departments and agencies and shall represent the City in all legal proceedings and shall perform such other duties prescribed by law, by the Charter, by the City Administrative Code or by action of Council.

(2) In the event either the Mayor/Managing Director or City Council requires legal representation in an area of conflict, each party shall have the ability to select their own legal counsel independent of the City Solicitor.[12]

B. Department Director.

(1) The Department of Law shall be headed by the City of Reading Solicitor who shall be responsible to the Mayor and City Council for the performance of the Department, and for all other responsibilities and obligations that the Mayor or Council may from time to time assign consistent with the law, Charter or ordinance.

(2) The City Solicitor may be removed by super-majority vote (five votes) of Council by resolution.

C. Department Director qualifications. Charter §§ 604 and 705 speak to general qualifications. Section 801 of Charter says that the City Solicitor shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law.

Editor's Note: Sections 604 and 705 of the Charter provide:

§ 604. Qualifications.

The heads of departments, offices, and agencies shall be selected solely on the basis of education, training, experience and professional, executive and administrative abilities; and such other qualifications as may be set forth in this Charter. (See § 705.)

§ 705. Compensation of heads of departments, offices and agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

Editor's Note: Section 801 of the Charter provides:

§ 801. Qualifications and responsibilities.

(a) The Mayor shall appoint, with the approval of Council, a Solicitor who shall be a member of the Bar of the Supreme Court of Pennsylvania and experienced in municipal law. The Solicitor, as head of the Legal Department, shall serve as chief legal advisor to the Mayor, the Council, and all City departments and agencies; and shall represent the City in all legal proceedings and shall perform such other duties prescribed by law, by this Charter, by the City Administrative Code or action of Council. It is the intent of this Charter that only one person shall be the legal advisor of the City except as may be otherwise required by law.

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12. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(b) The Mayor, with the approval of Council, shall have the power, if needed, to engage other temporary solicitors to represent the City as the need may be. Such appointments shall be temporary and shall be for the purpose of representing the City in specific individual legal matters. Such representation shall be secured by requests for proposal.

D. Department Director duties. The duties and responsibilities of the City Solicitor shall include, but not be limited to, the following:

(1) Prepare, review and revise ordinances or resolutions when so requested by the Mayor or Council.

(2) Attend Council meetings and/or hearings.

(3) Provide legal opinions upon any legal matter or question.

(4) Provide legal advice when requested by department heads who are planning and/or preparing documents and/or positions.

(5) Be available for consultation to those department heads who file complaints at the district justice level.

(6) Litigate all legal actions and claims brought by or against the City except in those cases in which other legal counsel is retained.

(7) Approve for legality all contracts, agreements or other legal documents to be executed by authorized City officials.

(8) Shall provide a written quarterly report to Mayor and Council on the status of all legal matters on which the Department of Law, directly or through temporary legal counsel, representing the City.

(9) Except as otherwise provided by City Council, shall be responsible for the supervision of all temporary legal counsel, excluding independent legal counsel for the Mayor or City Council, including approval of their billings.

(10) The City Solicitor or his legal designee shall provide legal counsel to all boards, authorities and commissions not having a regular legal advisor. The Solicitor or his designee shall attend any meetings of boards, authorities and commissions when requested.

§ 5-812. Planning Division of the Department of Community Development.[13] [Amended 5-29-2001 by Ord. No. 14-2001]

A. Establishment of Division. There is hereby established in the Department of Community Development of the City of Reading, the Division of Planning.

B. Office of the Planning Division Manager. There is hereby established the Office of the Planning Division Manager who shall serve as the Planning Coordinator of the City of Reading.

C. Duties. The duty and responsibility of the Planning Division Manager shall be as follows:

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13. Editor's Note: The Planning Division was originally established 10-4-1961 by Ord. No. 25-1961; it was codified as Ch. 1, Part 5H, of the 2001 Code of Ordinances.

(1) To provide such technical planning services as the City shall require.

(2) To provide such technical planning services as shall be required by any authority of the City, commission, board or department of the City.

(3) To report to the Mayor and members of Council on the progress and status of projects undertaken by all authorities heretofore or hereafter established in relation to the overall planning and development of the City.[14]

(4) To attend all meetings of the Planning Commission of the City and to advise and inform said Planning Commission of the progress and status of all projects of the City or any of the Authorities with reference to planning and municipal development.

(5) To be responsible for reviewing and coordinating all state and federal applications for technical assistance necessary in carrying out the City's planning and improvement programs.

(6) To service as Director of any City authority, commission or committee if requested to do so by the Mayor and members of Council. **[Amended 3-13-2002 by Ord. No. 6-2002]**

(7) At the time of his appointment, he need not be a resident of the City or the Commonwealth of Pennsylvania, but during his tenure of office, he may reside outside the City, only with the approval of Council.

D. Additional staff. The Planning Division shall, maintain and have such planning staff as Council hereinafter direct.

14. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

PART 9
Boards and Commissions

§ 5-901. Membership.

A. The establishment of boards and commissions/councils shall be as provided in the Charter in § 1001, Establishment, with the exception of the Board of Ethics established in Charter § 1201(c), Board of Ethics.

Editor's Note: Section 1001 of the Charter provides:

§ 1001. Establishment.

(a) By ordinance.

(i) City Council shall encourage the participation of citizens in their government through the establishment of boards and commissions to carry out City business. Such boards and commissions shall be established by ordinance including a clear statement of whether they shall be advisory in nature or they shall have power and authority under City ordinance or state or federal code.

(ii) City Council may not change the powers or authority of any board or commission except by ordinance.

(iii) City Council may by ordinance abolish any board or commission not established by state or federal mandate or by this Charter.

Editor's Note: Section 1201(c) of the Charter provides:

(c) Board of Ethics. The Mayor, with the approval of City Council, shall establish an independent Board of Ethics consisting of five City residents holding terms of three years, to administer and enforce the conflict of interest provision this section of this Charter and the prohibition sections of this Charter. No member of the Board may hold elective or City office under the City or any other government or hold any political party office. Insofar as possible under state law, the Mayor shall authorize the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to consult with independent counsel. City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it. Members of the Board of Ethics may be removed by the Mayor with the consent of City Council.

B. Membership on boards and commissions shall be as provided in the Charter § 1002, Membership, with the exception of the Board of Ethics, whose membership is appointed according to § 1201(c), Board of Ethics.

Editor's Note: Section 1002 of the Charter provides:

§ 1002. Membership.

(a) Appointments. City Council shall approve all appointments for each board and commission. Broad citizen participation shall be encouraged in recruiting appointees and making appointments. No appointee of any board or commission shall hold any other elected public office or any compensated position for the City.

(b) Vacancies. Any vacancy caused by death or resignation shall be filled promptly pursuant to the procedure set forth in § 309(b). The person so appointed shall serve for the unexpired term of the person vacating such position.

(c) Qualifications. As a general rule, members of boards and commissions shall be residents of the City. At the discretion of Council, persons not residents of the City, but who have a significant property or business interest in the City, may be selected to serve. No person may concurrently serve on more than one authority, board or commission.

Editor's Note: Section 1201(c) of the Charter provides:

(c) Board of Ethics. The Mayor, with the approval of City Council, shall establish an independent Board of Ethics consisting of five City residents holding terms of three years, to administer and enforce the conflict of interest provision this section of this Charter and the prohibition sections of this Charter. No member of the Board may hold elective or City office under the City or any other government or hold any political party office. Insofar as possible under state law, the Mayor shall authorize the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to consult with independent counsel. City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it. Members of the Board of Ethics may be removed by the Mayor with the consent of City Council.

C. A member of any board or commission may be removed by the appointing authority for cause.

D. The members of any board or commission shall serve without compensation except as otherwise provided by law, the Charter or ordinance. Members may be reimbursed for reasonable expenses incurred in the performance of their duties.

E. The terms of no more than a simple majority of the membership shall expire during the same calendar year.

§ 5-902. Organization.

A. Each board or commission shall provide for rules and regulations governing its operation. Such rules and regulations shall provide for the keeping of records pertaining to its duties, the conduct of meetings and public hearings and a periodic reporting to the residents of the City, the Mayor and Council. All such rules and regulations shall be approved by Mayor and Council.

B. The Managing Director shall assign an appropriate unit of the administrative service for the staff liaison to each board or commission.

§ 5-903. Boards, commissions and councils.

A. Board of Ethics; function. The Charter, § 1201(c), establishes this Board, its membership and its function. All complaints submitted to this Board must be in writing and notarized. See § 5-1002 of this chapter for the Code of Ethics.

Editor's Note: Section 1201(c) of the Charter provides:

§ 1201. Conflict of interest and Code of Ethics.

(c) Board of Ethics. The Mayor, with the approval of City Council, shall establish an independent Board of Ethics consisting of five City residents holding terms of three years, to administer and enforce the conflict of interest provision this section of this Charter and the prohibition sections of this Charter. No member of the Board may hold elective or City office under the City or any other government or hold any political party office. Insofar as possible under state law, the Mayor shall authorize the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to consult with independent counsel. City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it. Members of the Board of Ethics may be removed by the Mayor with the consent of City Council.

B. Board of Health; function. This Board reviews and decides upon requests from the property maintenance inspection and Building Inspectors to demolish unsafe structures.

C. Board of Appeals Fire Codes; function. To hear and decide appeals as a result of the determination of the Fire Marshal on fire codes. Membership of this Board is determined by the International Fire Code [see Chapter 180, Part 14, International Fire Code].[15]

D. Electrical Examining Board; function. To determine the fitness of applicants for licenses and to investigate and report on all proposed suspensions or revocations of licenses, and to administer tests and investigate complaints against license holders.

E. Plumbing Board, examiners/standards; function. To determine the fitness of applicants for licenses and to investigate and report on all proposed suspensions or revocations of licenses, and to administer tests and investigate complaints against license holders.

F. Zoning Hearing Board; function. To hear and decide appeals from determinations of Zoning Administrator on variances, special use permits and all other matters placed under its review.

G. Police Civil Service Board; function. To test for and compile initial hiring and promotion lists for the Police Department.

H. Fire Civil Service Board; function. To test for and compile initial hiring and promotion lists for the Fire Department.

I. Board of Historical Architectural Review; function. To exercise the functions, duties, responsibilities, and activities set forth in the City Historic District Ordinance (Chapter 295, Historic Districts).

J. Firemen's Pension Fund; function. To register all members and to administer the collection and distribution of the fund and to make reasonable rules and regulations necessary to effectuate the provisions of the law.

K. Officers and Employees Retirement Board; function. To register all members and to administer the collection and distribution of the fund and to make reasonable rules and regulations necessary to effectuate the provisions of the law.

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15. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

L. Police Pension Fund Association Board; function. To register all members and to administer the collection and distribution of the fund and to make reasonable rules and regulations necessary to effectuate the provision of the law.

M. Board of Trustees of the Reading Public Library; function. To serve all residents of the City of Reading and the County of Berks by providing high-demand library materials (fiction and nonfiction) in a variety of formats needed resources for lifelong learning and the needs of elementary and high school students, current information, and a strong support for culture and local history.

N. Reading-Berks Human Relations Council; function. To lessen and, where possible, end discrimination in Berks County through investigation, reconciliation and referral.

O. Commission on Human Relations; function. To prohibit discrimination in housing, employment, and public accommodations in accordance with the terms of the City's Human Relations Ordinance (Chapter 23, Part 5, Human Relations Commission; Discrimination).

P. Park and Recreation Advisory Council; function. To suggest new ideas and methods and to help with grant applications.

Q. Penn Square Commission; function. To maintain and supervise the use of Penn Square, Market Square, Cedar Street Park, and the Courtyard I and II.

R. Municipal Memorial Stadium Commission; function. To promote the City and baseball and to be a liaison between the Reading Phillies and the City and to meet with other organizations who are interested in renting the stadium for charitable or profitable events.

S. Shade Tree Commission; function. The regulation, maintenance and promotion of shade trees in the City.

T. Planning Commission; function. To exercise the functions, duties, responsibilities, and administrative activities and powers as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 208 of 1990 and Act 131 of 1992), 53 P.S. § 10101 et seq.

U. Blighted Property Review Committee (see Ch. 23, Part 9).[16]

V. Audit Committee; function. To establish a process for coordinating and responding to external audits as required by the Act 47 Recovery Plan Initiative CA02 (see Chapter 23, Part 13, Audit Committee). **[Added 5-14-2012 by Ord. No. 49-2012]**

W. Animal Control Board. See Chapter 141, Part 2, Animal Control.[17]

X. Business Privilege License Appeals Board. See Chapter 339, Part 2, Business Privilege License.[18]

Y. Vending License Board of Appeals. See Ch. 453, Sales, Part 2, Sidewalk Vendors, and Part 3, Mobile Vendors; and Chapter 583, Part 2, Food Vending Permits. **[Added 8-26-2013 by Ord. No. 35-2013]**

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16. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

17. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

18. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

Z. Solid Waste and Recycling Appeals Board. See Chapter 496, Part 2, Storage and Collection. **[Added 8-26-2013 by Ord. No. 35-2013]**

§ 5-904. Authorities. [Amended 5-29-2001 by Ord. No. 14-2001; 8-26-2013 by Ord. No. 35-2013]

Authorities are established according to the Municipality Authorities Act, Act 22 of 2001, 53 Pa.C.S.A. § 5601 et seq., or similar legislation.

A. Reading Regional Airport Authority; function. Planning, maintaining and operating Reading Regional Airport.

B. Reading Parking Authority; function. To build, manage, supply and supervise parking facilities within the City and maintain these facilities as clean, safe, convenient, accessible, and reasonably priced.

C. Reading Housing Authority; function. To provide decent, safe and sanitary housing.

D. Reading Redevelopment Authority; function. To promote elimination of blighted areas by declaring acquisition, sound replanning and redevelopment of such areas for the promotion of health, safety, convenience and welfare.

E. Reading Area Water Authority; function. Acquire, hold, construct, improve, maintain, operate, own and lease, either in the capacity of lessor or lessee, water mains, water systems or parts thereof and water treatment works.[19]

F. Reading Downtown Improvement District. It is the intent of the Council of the City of Reading to organize a downtown business improvement district authority pursuant to the provisions of the Municipality Authorities Act, Act 22 of 2001, 53 Pa.C.S.A. § 5601 et seq., as amended (the "Act"). The authority shall be created for the purpose of making business improvements and providing administrative services, as these terms are defined in the Act, to the central business district of the City of Reading.

G. Berks County Convention Center Authority.

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19. Editor's Note: Original Subsection F, Berks Area Reading Transportation Authority, which immediately followed this subsection, was repealed 8-26-2013 by Ord. No. 35-2013.

PART 10
Code of Ethics
[Added 6-22-2009 by Ord. No. 27-2009]

§ 5-1001. Declaration of policy.

A. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

B. Each official or employee of the City must be constantly on guard against conflicts of interest. No official or employee should be involved in any activity which might be seen as conflicting with his/her responsibilities to the City. The people of Reading have a right to expect that their representatives act with independence and fairness towards all groups and not favor a few individuals or themselves.

C. The following principles, although not representing substantive rights, are fundamental driving forces for officials and employees of the City of Reading in everything they do.[20]

(1) Public office as a public trust. Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests and not to attain personal benefits or pursue any other private interest incompatible with the public good.

(2) Independent objective judgment. Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.

(3) Accountability and democratic leadership. Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules. **[Amended 5-28-2013 by Ord. No. 28-2013[21]]**

(4) Respectability and fitness for public office. Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbefitting a public official.

D. In recognition of these aforementioned goals and principles, there is hereby established a Code of Ethics to be administered by the Board of Ethics. The purpose of this code is to establish ethical standards of conduct for all officials and employees of the City of Reading, its agencies and authorities, whether elected or appointed, paid or unpaid, by providing guidelines to clarify actions or inactions which are incompatible with the best interests of the City and by directing disclosure of private, financial or other interests in matters affecting the City. The provisions and purpose of this code and such rules, regulations, opinions and disciplinary decisions as may be promulgated by the Board pursuant hereto,

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20. Note: Josephson Institute for the Advancement of Ethics, Preserving the Public Trust, 1990.

21. Editor's Note: This ordinance also repealed former Subsection C(4), Democratic leadership [See now Subsection C(3)], and redesignated former Subsection C(5) as Subsection C(4).

and under provisions of Article XII of the Charter, are hereby declared to be in the best interest of the City.

§ 5-1002. Board of Ethics.

Reference is made to § 1201(c) of the Charter of the City of Reading.

A. Composition and structure of Board.

(1) Composition. The Board established under § 1201 of the City of Reading Home Rule Charter shall be composed of five residents of the City of Reading.

(2) Terms of service. Members of the Board shall serve for terms of three years, except that members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with one member serving a term of one year, two members serving for two years, and two members serving for three years.

(3) Vacancy. An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.

(4) Election of Chairperson and Vice Chairperson. The Board shall elect a Chairperson and a Vice Chairperson annually at a meeting held in July of each year. The Vice Chairperson shall act as chairperson in the absence of the Chairperson or in the event of a vacancy in that position.

(5) Quorum. A majority of the members of the Board shall constitute a quorum and, except as provided in § 5-1009C and D, the votes of a majority of the members present are required for any action or recommendation of the Board.

(6) Staff. The Board shall appoint a Solicitor, a secretary and such other staff as may be deemed necessary. The Solicitor, secretary and such other staff as may be necessarily appointed need not be members of the Board.

(7) Meetings. The Board shall meet at the call of the Chairperson or at the call of a majority of its members.

(8) Investigative Officer. The Board shall appoint an investigating officer as set forth herein. The Board shall, from time to time, determine an amount to be paid as reasonable compensation to the investigating officer as payment for such services. The investigative officer shall be a member in good standing of the Berks County Bar and shall have so been for at least five years. The investigative officer need not be a resident of the City of Reading and shall not be a Board member. The investigating officer is authorized to retain the services of investigators and may only delegate nondiscretionary functions.

(9) Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend

at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. **[Amended 9-27-2010 by Ord. No. 74-2010]**

B. Powers and duties. The powers and the duties of the Board of Ethics may be summarized as follows:

(1) Give advice as to the application of the ethics provisions of the Charter of the City of Reading and this Code of Ethics.

(2) Receive and dispose of complaints of violations of the ethics provisions of the Charter and Code of Ethics, and exercise discretion in declining to pursue an investigation if such a course would be in the best interest of the citizens of the City of Reading or where the activity complained of amounts to no more than a de minimis violation.

(3) Appoint an investigating officer to conduct investigations and to issue findings reports where appropriate.

(4) Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investigation before the Board, and issue orders including, but not limited to, those related to adjudications and penalties.

(5) Conduct educational programs to promote the ethical conduct of public officials, City employees, and individuals and groups doing business with the City.

(6) Adopt rules and regulations to administer, implement, enforce and interpret the Code of Ethics.

(7) Annually review the statements of financial interest filed pursuant to § 5-1004 of this Part 10.

C. Prohibitions. Due to their special position, Board members have a higher duty than other public officials to avoid conflicts of interest. Respect for the code can be maintained only if members are models of ethical behavior. The prohibitions in this section are in addition to the duties, responsibilities or obligations imposed upon the Board members as public officials under other provisions of the code.

(1) No member may hold or campaign for any other public office.

(2) No member may hold office in any political party or political organization or political committee.

(3) No member may hold a position of employment or appointment with any municipal government or any board or commission formed by the City of Reading.

(4) No member may actively participate in or contribute to any political campaign in the City of Reading for a candidate running for or from the office of the Mayor, President of Council, Council member, or Auditor. This does not abridge the right of a member

to vote or attend a debate, speech or similar event that is held primarily for the purpose of communicating a candidate's platform or position on issues of public concern.

(5) No member shall receive compensation but shall be reimbursed by the City for documented expenses actually incurred.

D. Preservation. Complaints and proceedings pending before the Board at the time this code is adopted shall be preserved insofar as they are consistent with recent orders of the Court of Common Pleas of Berks County. The Board shall take any and all steps necessary to adjudicate all pending complaints so as to comply with said orders, including the establishment of a committee of Board members not previously involved in the disposition of said complaints to adjudicate and dispose of the same. Said committee shall consist of at least three Board members and shall act with the authority of the Board in adjudicating said complaints and instituting penalties and restitution where applicable.

§ 5-1003. Definitions.

For the purposes of this Code of Ethics, the following terms shall have the following definitions. All other words and phrases shall have their normal meaning unless further defined herein:

APPEARANCE OF IMPROPRIETY — The perception that wrongdoing or misconduct may have occurred. When a reasonable person could reasonably believe that improper actions have taken or are taking place.

BOARD — The Board of Ethics of the City of Reading.

CANDIDATE — An individual who files nomination papers or petitions for City-elected office or who publicly announces his or her candidacy for City-elected office. **[Amended 5-28-2013 by Ord. No. 28-2013]**

CANDIDATE CAMPAIGN CONTRIBUTION — Money, gifts, forgiveness of debts, loans or things having a monetary value incurred or received by a candidate or his/her agent for use in advocating or influencing the election of the candidate. **[Added 5-28-2013 by Ord. No. 28-2013]**

CANDIDATE POLITICAL COMMITTEE — The one political committee used by a candidate to receive all contributions and make all expenditures. **[Added 5-28-2013 by Ord. No. 28-2013]**

CHARTER — City of Reading Home Rule Charter.

CITY — The City of Reading, Pennsylvania. **[Added 5-28-2013 by Ord. No. 28-2013]**

CITY-ELECTED OFFICE — The offices of Mayor, City Council and City Auditor. **[Added 5-28-2013 by Ord. No. 28-2013]**

CODE — City of Reading Code of Ethics.

CONFLICT OF INTEREST — Situation(s) or potential situation(s) in which a public official or employee uses or may use his/her office or employment for the private gain of himself/herself, a member of his/her immediate family or a business of any type with which he/she or a member of his/her immediate family has a material interest.

CONTRACT — An agreement or arrangement for the acquisition, use or disposal by the City or a City agency or instrumentality of consulting or other services or of supplies, materials, equipment, land or other personal or real property. This term shall not mean an agreement or arrangement between the City or City agency or instrumentality as one party and a City official

or City employee as the other party, concerning his/her expense, reimbursement, salary, wage, retirement or other benefit, tenure or other matters in consideration of his/her current public employment with the City or a City agency or instrumentality. **[Added 5-28-2013 by Ord. No. 28-2013]**

CONTRIBUTION — Money, gifts, forgiveness of debts, loans or things having a monetary value incurred or received by a candidate or his/her agent for use in advocating or influencing the election or candidacy of the candidate. **[Added 5-28-2013 by Ord. No. 28-2013]**

COVERED ELECTION — Every primary, general, or special election for City-elected office. **[Added 5-28-2013 by Ord. No. 28-2013]**

ELECTED OFFICIAL — An official elected or appointed to fill a position normally filled by election.

EMPLOYEE — Any individual receiving salary or wages from the City of Reading.

GIFT — **[Added 5-28-2013 by Ord. No. 28-2013]**

A. The term "gift" for the purposes of this code shall mean any gratuity, benefit, or any other thing of value, which is accepted by, paid for, or given to a City employee or City official, or by another individual or organization on behalf of a City employee or City official, either directly or indirectly, without consideration of equal or greater value.

B. This definition may include, by way of illustration and without limitation to, the following:

(1) Preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin;

(2) Transportation, lodging or parking;

(3) Food or beverage, other than that consumed at a single sitting or event;

(4) Membership dues or admissions to cultural or athletic events, which exceed $250 per calendar year in the aggregate and $100 per calendar year from any single person, agent or other interested party; and/or

(5) Political contributions in excess of those limitations set forth hereinafter or in any other applicable laws or regulations, including, but not limited to, the Code of the City of Reading.

C. The term "gift" for purposes of this code shall explicitly exclude:

(1) Gifts from direct family members;

(2) Nonpecuniary awards publicly presented in recognition of public service;

(3) An occasional nonpecuniary gift of nominal value;

(4) Complimentary travel for official purposes; and/or

(5) Admissions to charitable, civic, political or other public events.

IMMEDIATE FAMILY — A parent, spouse, living partner, child, brother or sister, natural or adopted.

INDIVIDUAL — A person, including a married couple. **[Added 5-28-2013 by Ord. No. 28-2013]**

MATERIAL INTEREST — Direct or indirect ownership of more than 5% of the total assets or capital stock of any business entity.

NO-BID CONTRACT — A contract (as defined herein), which is not awarded or entered into pursuant to an open and public process, in accordance with Pennsylvania law, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded related thereto. **[Added 5-28-2013 by Ord. No. 28-2013]**

OFFICER — Investigating officer appointed by the Board to oversee the investigative procedures on behalf of the Board. The investigating officer need not be a Board member and may be compensated as any other member of the staff.

OFFICIAL — Any elected or appointed paid or unpaid member of the government of the City of Reading, including without limitation members of any City boards, authorities, and commissions. **[Amended 5-28-2013 by Ord. No. 28-2013]**

ORGANIZATION — An individual, partnership, corporation, sole proprietorship, whether for-profit or not-for-profit, or any other form of business organization. **[Added 5-28-2013 by Ord. No. 28-2013]**

POLITICAL ACTIVITY — Any activity which promotes the candidacy of any individual seeking elective office, or the advocacy of any political party or position including, but not limited to, the circulation of election petitions and the sale or distribution of fund-raising items or tickets.

POLITICAL COMMITTEE — Any committee, club, association, political party, or other group of persons, which receives contributions or makes expenditures for the purpose of influencing the outcome of a covered election, including but not limited to: a) political action committees recognized under Section 527 of the Internal Revenue Code; and b) the candidate political committee of a candidate in a covered election. **[Added 5-28-2013 by Ord. No. 28-2013]**

POSTCANDIDACY CONTRIBUTION — A contribution made to a former candidate or political committee for use in retiring debt that was incurred to influence the outcome of a covered election, or for the purpose of defraying the cost of transition or inauguration of a candidate elected to City-elected office. **[Added 5-28-2013 by Ord. No. 28-2013]**

PRECANDIDACY CONTRIBUTION — A contribution made to a political committee that: a) has been transferred to, or otherwise becomes available for expenditure by, a candidate for City-elective office; and b) was made before such candidate became a candidate. **[Added 5-28-2013 by Ord. No. 28-2013]**

PRIVATE GAIN — Of personal benefit, whether economic, social, or otherwise.

VIOLATION — A violation is any activity that is restricted by the ethics provisions of the Charter and/or the code.

§ 5-1004. Statement of financial interests.

Any official or employee of the City or authorities or boards with decisionmaking authority shall file with the City Clerk a Statement of Financial Interests for the preceding calendar year

by May 1 of each year, as defined by the State Code of Ethics. Any individual appointed to such a position after May 1 has 15 working days to file the Statement of Financial Interest. All statements must be made available for public inspection and copying at an amount not to exceed actual costs.

§ 5-1005. Disclosure of confidential information.

A. City employees and officials often have access to important nonpublic information regarding the property, operations, policies or affairs of the City. Such information may concern, among other things, employees and officials, real estate transactions, expansion of public facilities, or other City projects. Using or furnishing information that would place employees or recipients in an advantageous position over the general public constitutes a violation of public trust. Anyone who is privy to confidential information may not disclose that information to any private citizen and should disclose it to other public employees only if appropriate and in the normal course of their duties as employees or officials of the City of Reading.

B. Should an official or employee find himself/herself in any direct or indirect financial interest with any person or other entity proposing to contract with the City that individual must fully disclose said interest and refrain from voting upon or otherwise participating in the transaction or the making of such decision, contract or sale. Violation of this section shall render the contract voidable by the decisionmaking body or upon review and authority of the Board of Ethics.

§ 5-1006. Prohibited behaviors.

A. Conflicts of interest.

(1) Employees and officials of the City may not bid on or have a material interest in:

(a) The furnishing of any materials, supplies or services to be used in the work of the City.

(b) Contracts for the construction of any City facility.

(c) The sale of any property to the City or the purchase of any property from the City unless said property is offered to the general public at auction or by competitive bid.

(2) Employees and officials of the City may not:

(a) Use or attempt to use their official position to secure special privileges or exemptions for themselves or others.

(b) Accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the public officer or employee by reason of their official position.

(c) Disclose to others, or use for personal benefit, any confidential information gained by reason of an official position.

(d) Accept other employment which might impair the independence or judgment of the public officer or employee in the performance of public duty.

(e) Receive any compensation for official services to the City from any source other than the City.

(f) Transact any business in an official capacity with any other business entity of which the public officer or employee is an officer, director, agent, member, or owns a material interest.

(g) Have personal investments in any enterprise which will create a substantial conflict between any private interest and the public interest.

(3) Outside employment. City officials or employees may accept, have, or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or nonprofit), utility or other organization, whether public or private, but only if the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.

(4) Officials and employees shall not engage in conduct prohibited under § 1201(a) of the Charter.

B. Solicitation/acceptance of gifts; rebuttable presumption. **[Amended 5-28-2013 by Ord. No. 28-2013]**

(1) A City employee, City official, immediate family of a City employee or official or any for-profit entity in which the City employee, City official, or any immediate family has a material interest, shall neither solicit nor accept any gift(s) from an offeror or donor based on the offeror's or donor's understanding that any vote, official action or judgment of the City official or City employee would be or could be influenced thereby. City employees and City officials are also subject to those related, applicable ordinances of the City Charter, Code of the City of Reading, and the Pennsylvania Public Official and Employee Ethics Act (65 Pa.C.S.A. § 1101.1 et seq.), as amended, and all related statutes and regulations, as applicable. The solicitation or acceptance of gift(s) shall create a rebuttable presumption that the City employee or City official knew or should have known that such solicitation or acceptance was based on an understanding that his/her official actions or judgments would thereby be influenced.

(2) In the event that a candidate for City-elected office, who is not a City employee or City official, solicits or accepts any gift(s) from any offeror or donor based on the offeror's or donor's understanding that the vote, action or judgment of the candidate, if and when elected, would be or could be influenced thereby, said candidate would be subject to those related, applicable ordinances of the City Charter, Code of the City of Reading, and the Pennsylvania Public Official and Employee Ethics Act (65 Pa.C.S.A. § 1101.1 et seq.), as amended, and all related statutes and regulations, as applicable.

(3) No person, firm, corporation or other business or professional organization shall offer, make or render any gift(s) to any City employee, City official, immediate family or for-profit entity in which a City employee or City official has a material interest, which might reasonably be expected to influence such City employee or City official in the discharge of his/her official duties.

(4) In all but de minimis cases, gifts received must be publicly recorded and submitted to the City Clerk specifying the donor; the address of the donor; the date received; a concise description of the gift; and the value of the gift. A gift having a value in excess of $25 may not be considered de minimis.

C. Nepotism. Hiring a relative is a special type of a conflict of interest that should be avoided. No public official or employee shall appoint, hire, advance or advocate the appointing, hiring or advancing of a member of his/her immediate family or household member to a City position, as provided in the City of Reading Personnel Code (Chapter 70, Personnel).

D. Whistle blowing.

(1) Employees are expected to expose a violation of the Code of Ethics by any employee or business entity with which the City is doing business if such a violation creates a serious and specific danger to the public's health, safety or welfare.

(2) Employees are expected to expose improper use of public office or any other abuse or neglect on the part of a City employee or public official. An employee with knowledge of actions or activities of ethical concern shall report them to the Board of Ethics. The identity of the employee will be confidential information of the Board of Ethics until a full investigation is initiated.

(3) Retaliation against an employee who reports any violation, abuse or other improper action is strictly prohibited. Any such action will be a violation of the Code of Ethics and subject to the disciplinary and corrective action as ordered by the Board of Ethics.

E. Fraudulent or other activity.

(1) City employees or officials are expected to act ethically in the performance of all duties and responsibilities and avoid any involvement with, or any appearance of, behavior constituting fraud, misappropriation or other inappropriate conduct while carrying out the duties and obligations of their employment or office.

(2) City employees or officials may not willfully or deliberately act, attempt to act, conspire to act, or solicit with the intent to act, carry out, or participate in any of the following activities:

(a) Embezzlement of money or resources for private purposes or use, from any City official, City employee, City department, City contractor or subcontractor, or third party agent doing business with the City government.

(b) Misappropriation of City funds, supplies, assets or resources.

(c) Falsification of any City record, including personnel records.

(d) Forgery or alteration of any check, bank draft, bank account, or other financial document.

(e) Forgery or alteration of timecard data and/or information.

(f) Receipt of a bribe or kickback, or willing participation in a scheme of bribery.

(g) Impropriety in the handling or reporting of money or financial transactions.

(h) Using insider knowledge of City activities to earn or generate any gift, profit or pecuniary benefit.

(i) Accepting, requesting, or seeking any material item or pecuniary benefit from contractors, vendors or parties providing services or materials to the City.

(j) Unauthorized destruction, removal or inappropriate use of City property, including data records, furniture, fixtures and equipment.

(k) Making false or intentionally misleading written or oral statements or representations in carrying out any official or employment duty or obligation.

(l) Participation in any willful or deliberate act carried out with the intention of obtaining an unearned or unauthorized benefit by way of detention or other unethical means.

(3) City employees or officials are to be familiar with the types of fraud and the potential activities and circumstances that may give rise to a fraudulent activity within his or her department, bureau, and area of responsibility.

(4) City employees or officials are charged with the duty to be alert for any indication of fraudulent activity and all City employees or officials have a duty to report immediately any suspected fraudulent activity to the City Board of Ethics.

F. Use of City property and personnel. City employees or officials may not use any personnel, equipment, supplies, facilities, vehicles, or any other property owned and belonging to the City for their private purposes, use, enjoyment, or benefit. City employees or officials who hold a supervisory position may not use the time, effort and resources of any subordinate City employees or official for their private purposes, use, enjoyment, or benefit. The provisions of this subsection are to be read together and with any related provision of the City of Reading Personnel Code.[22]

G. Political activities. Sections 605(a) and 706 of the City Charter and § 70-108, Political activity, of Chapter 70, Personnel, are incorporated herein by reference and made a part hereof. City employees or officials are to adhere to the sections restricting involvement in political activities as set forth in §§ 605(a) and 706 of the City Charter and § 70-108 of the City Code. In the event that the City or City Council has failed to take appropriate action in enforcing the aforementioned provisions, then the Board of Ethics shall have jurisdiction to adjudicate any violation thereof.

H. Awarding contracts. **[Added 5-28-2013 by Ord. No. 28-2013]**

(1) To the extent that it is not inconsistent with federal or state law, a City employee, a City official, any immediate family of a City employee or City official, or any for-profit business entity in which the City employee, City official, or any immediate family has a material interest, shall not enter into any contract valued at $500 or more with the City or any City agency or instrumentality, unless the contract has been awarded through an open and public process, in accordance with Pennsylvania law, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the City Official or City Employee

22. Editor's Note: See Ch. 70, Personnel.

shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made in violation of this subsection may be subject to further penalties, pursuant to the terms and provisions of the Pennsylvania Public Official and Employee Ethics Act (65 Pa.C.S.A. § 1101.1 et seq.).

(2) Prior to entering into or awarding any no-bid contract, the City employee, official, agent or instrumentality entering into such no-bid contract on behalf of the City must immediately provide the Board of Ethics with the following information:

(a) The name and address of all contracting parties;

(b) A draft copy of the contract to be entered into;

(c) A report, in compliance with 25 P.S. § 3260a (Section 1641 of the Pennsylvania Election Code), as amended, which shall provide the following:

[1] An itemized list of all political contributions known to each contracting party by virtue of the knowledge possessed by every officer, director, associate, partner, limited partner, or individual owner that has been made by:

[a] Any officer, director, associate, partner, limited partner, individual owner or members of the immediate family of the aforementioned parties when the contributions exceed an aggregate of $1,000 by any individual during the preceding year; or

[b] Any employee or members of his or her immediate family whose political contribution exceeded $1,000 during the preceding year.

(d) Any other information that the Board of Ethics may require.

(3) In the event that the intended recipient of a City no-bid contract or any officer, director, associate, partner, limited partner, individual owner, member, employee, or Immediate Family of any of the aforementioned parties has made a donation to a political committee of a City employee, City official, agent or instrumentality, in excess of the contribution limitations set forth in § 5-1012 during any of the preceding two calendar years from the date the draft copy of the proposed contract is submitted to the Board of Ethics, then and in that event the City is prohibited from awarding that no-bid contract to that intended party.

(4) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be as provided for by the established purchasing policies of the City of Reading.

§ 5-1007. Violations and penalties; restitution.

A. Penalties. Upon any violation of the City provisions, including the undertaking of wrongful acts as described above or in the City of Reading Home Rule Charter, any of the following penalties shall be available to the Ethics Board for imposition:

(1) Admonition. In compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing

Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the City provisions.

(2) Public censure. In compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the City provisions took place and that the Board strongly disapproves of the actions of the public official or public employee.

(3) Recommendation to the Managing Director of suspension, without compensation for a stated period of time not to exceed 30 days, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant. If any such suspension is not imposed by the City, a written explanation of such decision shall be provided within five days to the Board.

(4) Recommendation to the Managing Director of termination in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification going to the respondent, the Managing Director, the Mayor, the Director of the Department in which is respondent is employed, if any, and the complainant, if any. If any such termination is not imposed by the City, a written explanation of such decision shall be provided within five days to the Board.

(5) Referral to the appropriate authorities for criminal prosecution in cases where a violation of this Part 10 is also a violation of federal or state law.

(6) Ineligibility for holding any office or position within the City for a period of up to five years, as set forth in § 1202(b) of the Charter of the City of Reading.

(7) Impose a fine, not to exceed $1,000 per violation.

(8) Imposition of an administrative fine of not more than $1,000 to defray the actual cost and expense of investigating any violation.

(9) Any person who realizes financial gain by way of a violation of any provision of this Part 10, in addition to any other penalty provided by law or this Part 10, shall pay into the Treasury of the City, a sum of money up to the financial gain resulting from the violation. The Board shall determine the amount of financial gain realized.

(10) Any public official, public employee, person, corporation, company or other entity found to have participated in or benefitted from a violation of this Part 10 may be barred from participating in business dealings with the City for a period of time not to exceed five years, said period of time to be determined by the Board, in addition to being subject to any other penalty (prescribed by this Part 10) deemed appropriate by the Board.

B. Restitution; other penalties and remedies. After finding that an individual has violated any provision of the Charter or this code within the jurisdiction of the Board as provided for

in this code, the Board may take one or more of the following actions, if appropriate, in addition to penalties described in Subsection A:

(1) Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the code or Charter.

(2) Order the subject to cease and desist from engaging in a particular activity that is in violation of the code, Charter, or any order issued by the Board.

(3) Order the subject to take specified action to bring him/her into compliance with Board directives.

(4) Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction of the matters.

(5) Institute appropriate civil or equitable action to enforce the order and decision of the Board.

(6) Recommend to City Council the forfeiture of the office or position held by the subject with the City and recommend that the subject be ineligible to hold any City office or position for a period of up to five years following such decision.

§ 5-1008. Advisory opinions.

A. Upon the written request of any public official or City employee, or without such request, should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of governmental ethics, shall consider questions as to ethical conduct, conflicts of interest and the application of ethical standards set forth in this Part 10, and shall issue an advisory opinion in writing as to any such question. The Board may in its discretion publish its advisory opinions with any redactions necessary to prevent disclosure of the identity of the person who is the subject of the opinion.

B. An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion.

§ 5-1009. Complaint and investigation procedure.

A. Who may file. Any person may file a complaint about alleged ethics violations of the Reading Code of Ethics or the City Charter. In addition, the Board may initiate proceedings. A person signing a complaint shall:

(1) Reasonably believe in the existence of facts upon which the claim is based.

(2) Reasonably believe that the complaint may be valid under the ethics provisions of the Code of Ethics and the City Charter.

B. How to file. Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa.C.S.A.

§ 4904 relating to unsworn falsification to authorities. The Board shall establish a separate P.O. box through which to receive complaints. This P.O. box shall be generally accessible by the investigative officer and/or the secretary, provided that the secretary is not a Board member.

C. Jurisdiction; preliminary investigation.

(1) Each complaint filed with the Board shall be immediately directed to and preliminarily reviewed by an investigating officer appointed by the Board (the "Officer") to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determinations shall be made within 30 days of the filing of the complaint. If the Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however, the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.

(2) The preliminary investigation shall be initiated and accomplished at the sole direction of the Officer. If the Officer, in his/her sole discretion, finds that the violation(s), as alleged in the complaint, would, if proved, constitute a de minimis infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint, if to do so would be in the best interest of the citizens of the City of Reading.

(3) At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same, and the initiation of a preliminary investigation.

(4) The preliminary investigation shall be completed within 60 days of the Officer's finding of jurisdiction.

(5) If at any time during the preliminary investigation, an extension is necessary and justified, the Officer shall have additional time in thirty-day segments. The Officer shall timely notify both the complainant and the subject of the investigation of each such extension.

(6) At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal of the complaint. If, however, at the conclusion of the preliminary investigation, the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

D. Full investigation. If a preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within three days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every 90 days. Within 180 days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a findings report to the subject.

E. Findings report. The findings report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation. The subject of the investigation may, within 30 days of the report, request an evidentiary hearing, unless an extension is obtained from the Officer. When such a request is received by the Officer, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Board shall upon receipt of such notice engage two attorneys: one to represent the facts in support of the complaint; and one to advise the Board in matters related to the evidentiary hearing. The Board Solicitor shall not have any involvement in a particular matter once the findings report has been issued.

F. Evidentiary hearing.

(1) Timing. An evidentiary hearing must be held within 45 days of the filing of a request for the same.

(2) Evidence. The subject of the investigation shall have reasonable access to any evidence intended to be used at a hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument and shall be entitled to exercise all rights of confrontation and the like afforded him/her by the United States Constitution and the Pennsylvania Constitution.

(3) Closed hearing. The hearing shall be closed to the public unless the subject requests an open hearing in writing to the Board at least five days before the hearing.

G. Decision by the Board; final order.

(1) At the conclusion of the evidentiary hearing, the Board will determine by majority vote of those members presiding whether the evidence supports a finding that the subject of the complaint violated provision(s) of either the Charter or the code.

(2) Upon reaching a determination on the complaint, the Board shall issue a final order. A copy of said final order shall be immediately delivered to both the complainant and the subject of the complaint.

H. Petition for reconsideration. A subject, having been found to have violated a provision of the Charter or code, may file a petition for reconsideration of the Board's decision. Such petition shall be filed with the Board within 10 days of the day the Board issues its final order.

I. Protection of complainant. No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade or compensation, denied a promotion, or threatened, for a good faith filing of a complaint with the Board, or providing information or testifying in any Board proceeding.

§ 5-1010. Confidentiality of Board information.

All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board, except as may be required to effect due process. The final order shall become a public record once the subject has exhausted all appeal rights or has failed to timely exercise such rights. All other file material shall remain confidential.

§ 5-1011. Wrongful use of Board of Ethics.

A. The purpose of the Board of Ethics is to endeavor to maintain a high standard of ethical behavior by City employees and officials. This will be most effective when City employees, officials and citizens work together to set and maintain high ethical standards. Complaints directed to the Board must be based on fact. Those filing complaints must have the intent to improve the ethical climate of the City. Wrongful use of the code is prohibited and those individuals engaged in such conduct may be subject to penalties as set forth in § 5-1007.

B. Wrongful use of the Code of Ethics is defined as either:

(1) Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without a basis in law or fact and was made for a purpose other than reporting a violation of this code. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim and either reasonably believes that under those facts the complaint is valid under this code or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.

(2) Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, including the identity of persons involved and that a complaint has been filed.

§ 5-1012. Campaign contributions and reporting requirements. [Added 5-28-2013 by Ord. No. 28-2013]

A. Campaign contribution limitations.

(1) During a calendar year in which a covered election is held:

(a) To the extent that it is not inconsistent with federal or state law and except as provided in Subsection A(4), precandidacy contributions, hereinafter, no individual shall make, and no candidate and/or no candidate political committee shall accept, a candidate campaign contribution, including those contributions made to or through one or more political committees by such individual, in excess of $2,600.

(b) To the extent that it is not inconsistent with federal or state law and except as provided in Subsection A(4), precandidacy contributions, hereinafter, no organization (excluding individuals covered by the Code of Ethics as part of the Administrative Code, as amended), shall make, and no candidate and/or no candidate campaign committee shall accept, a candidate campaign contribution, including those contributions made to or through one or more political committees by such organization, in excess of $10,000.

(c) To the extent that it is not inconsistent with federal or state law and except as provided in Subsection A(4) hereinafter, no political committee (excluding candidate political committees) shall make, and no candidate and/or no candidate campaign committee shall accept, a candidate campaign contribution in excess of $10,000.

(2) During a calendar year in which a covered election is not held:

(a) Candidates for Mayor may receive candidate campaign contributions totaling no more than $250,000 per year.

(b) Candidates for Auditor may receive candidate campaign contributions totaling no more than $100,000 per year.

(c) Candidates for City Council may receive candidate campaign contributions totaling no more than $100,000 per year.

(3) Postelection intervals.

(a) During the interval between the general election (or primary/special election, with respect to candidates who were not nominated) and the end of the calendar year in which the election occurred, and in each calendar year thereafter, no individual shall make total postcandidacy contributions, including those contributions made to or through one or more political committees by such individual, of more than $2,600.

(b) During the interval between the general election (or primary/special election, with respect to candidates who were not nominated) and the end of the calendar year in which the general election occurred, and in each calendar year thereafter, no organization shall make total postcandidacy contributions, including those contributions made to or through one or more political committees by such organization, of more than $10,600.

(4) Precandidacy contributions.

(a) No candidate or candidate political committee may spend any excess precandidacy contributions for the purpose of influencing the outcome of a covered election in which he or she is a candidate.

(b) No candidate or candidate campaign committee may spend any excess precandidacy contributions or excess postcandidacy contributions for the purposes of:

[1] Transition or inauguration expenses; or

[2] Retiring debt that was incurred to influence the outcome of an already completed covered election, or cover transition or inauguration expenses related to an already completed covered election.

(c) A precandidacy contribution made in the same calendar year that a person becomes a candidate shall count toward those limitations on contributions set forth in the Code of Ethics as part of the Administrative Code, as amended.

(5) Candidate's personal resources. The limitations imposed by the Code of Ethics as part of the Administrative Code, as amended, shall not apply to contributions from a candidate's personal resources to his or her candidate political committee. However, if such contributions from a candidate's personal resources shall exceed $250,000 (regardless of the time period over which such contributions were made), then the

contribution limits set forth in the Code of Ethics as part of the Administrative Code, as amended, for that City-elected office, other than those listed above, shall double.

(6) Volunteer labor. The limitations imposed by this section shall not apply to volunteer labor.

(7) Adjustments.

(a) On January 1, 2016, and on every January 1 every four years thereafter, the maximum contribution amounts set forth in § 5-1012 shall be adjusted as follows: on the December 15 immediately preceding the adjustment, the City Administrative Services Director shall calculate the "CPI multiplier" by dividing the average consumer price index for Reading, Pennsylvania, during the then-current calendar year by the average consumer price index for Reading, Pennsylvania, during the calendar year of 2011. To determine the average consumer price index for Reading, Pennsylvania, the City Administrative Services Director shall use the latest available figures for the Consumer Price Index for all Urban Consumers (CPI-U), Reading, Pennsylvania, as measured by the United States Department of Labor, Bureau of Labor Statistics. After calculating the CPI multiplier, the City Administrative Services Director shall calculate the new maximum amounts as follows:

[1] The maximum amount for purposes of § 5-1012A(1)(a) shall equal $2,500, multiplied by the CPI multiplier, rounded to the nearest $100.

[2] The maximum amount for purposes of § 5-1012A(1)(b) shall equal $10,000, multiplied by the CPI multiplier, rounded to the nearest $100.

(b) The City Administrative Services Director shall certify the new maximum amounts in writing to the Mayor, the City Auditor, the City Council President, and the City Clerk.

(8) Candidate political committees.

(a) A candidate shall have no more than one candidate political committee and one checking account for the City-elected office sought, into which all contributions and postcandidacy contributions for that sought office shall be made, and out of which all expenditures for that sought office shall be made, including expenditures for retiring debt and for transition or inauguration to that office. If the candidate maintains other political or nonpolitical accounts for which contributions are solicited, such funds collected in these accounts shall not be used for the purpose of influencing the outcome of a covered election, or to retire debt that was incurred to influence the outcome of that covered election, or to cover transition or inauguration expenses.

(b) Upon the formation of a candidate political committee, the candidate shall immediately file with the Board of Ethics a statement identifying:

[1] The name and address of the committee;

[2] The bank account information of the committee;

[3] The treasurer of the committee; and

[4] Any other information that the Board of Ethics may require.

(9) Enforcement; injunctive relief.

(a) The provisions of this section shall be enforced by the City of Reading Board of Ethics, in accordance with the Code of Ethics of the City Administrative Code, as amended), including but not limited to the complaint, investigation, restitution and penalties provisions thereof.

(b) In addition to the provisions of the Code of Ethics, any person residing in the City of Reading, including the City Solicitor, may bring an action for injunctive relief in any court of competent jurisdiction to enjoin any violations of, or to compel compliance with, the provisions of this section in accordance with the Code of Ethics as part of the Administrative Code, as amended. The court may award to a prevailing plaintiff in any such action his or her costs of litigation, including reasonable attorney's fees.

B. Reporting requirements.

(1) Statement of financial interests.

(a) Any City employee or City official must be in compliance with § 5-1004 (Statement of financial interests) prior to filing any nomination papers or petitions for City-elected office or publicly announcing his or her candidacy for City-elected office.

(2) Campaign finance disclosure.

(a) Whenever a candidate, treasurer of a candidate political committee, or other representative of a candidate political committee files a required report of receipts and expenditures with the Berks County Board of Elections and/or Secretary of, the Commonwealth as required by the Pennsylvania Election Code (25 P.S. § 3241 et seq.), or other applicable laws or regulations, such person shall at the same time file with the City Clerk a copy of all information set forth in such report(s), in that format mandated by the Board of Ethics. Such filing with the City Clerk shall be accompanied by a written statement, signed by the person making the filing that subscribes and swears to the information set forth in such filing.

C. Required notice of contribution limits. The Board of Ethics shall, at least every six months, arrange for publication in the newspaper with the largest circulation in the City and on the City website, a notice setting forth the contribution limits set forth in this code together with a plain English explanation of the provisions of this section and the penalties and remedies for violations thereof. Such notice shall remain posted and available for review on the City's website at all times.

5 Attachment 1

* Updated - Ordinance No. 01-2016

City of Reading * Updated - Ordinance No. 18-2016

Exhibit A
Purchasing Policy and Procedures Manual
[Amended 2-11-2008 by Ord. No. 9-2008; 2-13-2012 by Ord. No. 12-2012; 8-26-2013 by Ord. No. 35-2013; 4-14-2014 by Ord. No. 38-2014; 5-27-2014 by Ord. No. 44-2014]

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Forward

The purpose of this manual is to provide all departments, divisions, offices and agencies with the procedures and policies to be used in the procurement of goods and services and to provide for the fair and equitable treatment of all persons involved in public purchasing by the City of Reading; to maximize the purchasing value of public funds; and to provide safeguards for maintaining a procurement system of quality and integrity.

The purchasing function involves the procurement of materials, supplies, equipment, and services at best value, consistent with the quality needed to meet the required standards established and approved by the City of Reading. Our goal is the promotion of the best interest of the City of Reading through intelligent action and fair dealings, resulting in obtaining maximum savings for the City.

Rules and regulations are necessary for the proper operation of the purchasing function and it is essential that all who are involved in the purchasing operation be well informed. This manual was developed to aid all employees directly or indirectly associated with the function of purchasing.

The objectives of the Purchasing Division are as follows:

1. To deal fairly and equitably with all vendors wishing to do business with the City of Reading.

2. To provide professional procurement services for all customers within the City.

3. To assure adherence to all laws, regulations, and procedures related to City procurement.

4. To maximize competition for all procurements of the City.

5. To purchase goods and services at the best value, if not lowest price, consistent with quality performance and delivery requirements, from capable vendors meeting the City's needs.

Section 1
Purchasing Division
Responsibilities, Function & Objectives

1.01 PURPOSE:

The purpose of this regulation is to formalize the City of Reading purchasing policy by delineating the specific authorities and responsibilities that are the components of the purchasing process.

1.02 APPLICABLE TO:

All departments, divisions, offices and agencies.

1.03 GENERAL PURCHASING POLICY:

1. Overall authority and responsibility for City Purchasing is centralized in the Purchasing office within the Administrative Services Department.

2. The purchasing policy is applicable to all offices and encompasses more than just the service function of ordering and buying goods and services. Functions such as planning and scheduling purchases, seeking competition, assuring the preparation of proper specifications, and enforcing compliance with all purchasing regulations and procedures are part of the purchasing program.

1.04 PURCHASING COORDINATOR:

1. Authorities. The purchasing coordinator shall have the authority to:

   A. Purchase or contract for all materials, supplies, equipment and contractual services for all City departments with the exception of:

      - Books, subscriptions
      - Business meeting expenses
      - Charitable contributions
      - Dues
      - Items that can legitimately be purchased via the petty cash process
      - Postage
      - Tuition
      - Travel - meals, mileage, transportation
      - Utility services that are not regulated by the PUC

      (1) In case of an emergency, purchase authority is delegated to the individual departments, divisions, offices or agencies when the purchasing coordinator is unavailable i.e., after normal working hours (see Administrative Procedures, "Emergency Purchase Procedure").

(2) It is a violation of this regulation for any official or employee of the City to purchase other than the commodities or services exempted, as stated above, in a way that circumvents the purchasing coordinator. Violation of this regulation will result in appropriate disciplinary action, including reimbursement to the City for any payments made for purchase in violation of this regulation.

B. The purchasing coordinator shall have the authority to review all requisitions for the purchase of materials, supplies, equipment and services not exempted from this regulation for quality and cost.

(1) The purchasing process begins with the user's formulation of specifications that identify and describe the product or service to be purchased.

(2) The purchasing coordinator will assure that the specifications meet the user's needs, but do not call for features or a level of quality not necessary for the item's use.

(3) If there is a lack of agreement between the purchasing coordinator and the department, division, office or agency concerning any specifications, the purchasing coordinator will refer the case and all supporting documentation to the Administrative Services Director for determination.

C. Prepare, in cooperation with departments, divisions, offices or agencies, standard written specifications for supplies and/or services not exempted by this regulation especially those common to various City departments, divisions, offices or agencies.

D. Place orders for all supplies, materials, equipment or services, not exempted by this regulation, by the issuance of a purchase order.

E. Dispose of surplus or unused materials, supplies or equipment after they have been declared as surplus by the Administrative Services Director.

Disposal shall be on an annual or more frequent basis as deemed necessary by the Managing Director in accordance with City purchasing regulations. The sale of any surplus by a City employee, without the approval of the Managing Director, constitutes a violation of this regulation and will result in appropriate disciplinary action.

F. Enforce all purchasing regulations and procedures.

1.05 HEADS OF DEPARTMENTS, DIVISIONS, OFFICES AND AGENCIES:

1. Responsibilities. The individual head of a department, division, office or agency or their designees have the responsibility to:

A. Furnish the purchasing coordinator with all necessary information to assure that the purchase will be correct in all details.

B. Ensure that specifications are not restrictive and do not call for features or a level of quality unnecessary for an item's use.

C. Provide a valid written justification when requesting a proprietary item or issuing a restrictive specification.

D. Provide a list of suggested vendors. This may assist the purchasing coordinator in finding the item requested. It does not limit the purchasing coordinator to contacting those vendors.

E. Ensure that there is no commitment of the City to the purchase of any item, except those covered by the Emergency Purchase Procedure and Section 1.04.1.A of this Policy.

F. Notify the purchasing coordinator immediately if any material, supplies, or equipment is inferior in quality or in any way unsatisfactory.

G. Notify purchasing quarterly, of any surplus, obsolete or scrap material or equipment that exist in their departments, divisions, offices and agencies.

1.06 EXCEPTIONS TO PURCHASING POLICY:

Where these regulations conflict with requirements stipulated and/or mandated for the use of federal or other grant funds, the requirements governing the expenditure of those funds shall prevail.

Section 2
General Guidelines

2.01 REQUISITION PROCESS

1. Preparing a Requisition. User must determine the item/service needed and communicate an accurate and complete description. The requisition process is initiated by the user's completion of a requisition via the City's computer system.

2. Dollar Limits Covering Vendor Solicitation[1]. With the exception of professional services, the purchasing coordinator follows the following guidelines concerning the dollar limits covering vendor solicitation.

   A. Purchases up to $4,000.00 - Purchases in this category require one (1) verbal quote.

   B. Purchases of $4,000.01 to $9,999.99 - Purchases in this category require three (3) verbal or written quotes.

   C. Purchases of $10,000.00 and up - Purchases in this category require a formal solicitation.

3. Dollar Limits Covering Professional Services Solicitation. For professional services, the purchasing coordinator follows the following guidelines concerning the dollar limits covering vendor solicitation:

   A. Purchases up to $4,000.00 - Purchases in this category require one (1) verbal quote.

   B. Purchases of $4,000.01 to $9,999.99 - Purchases in this category require three (3) verbal or written quotes.

   C. Purchases of $10,000.00 to $34,999.99 - Purchases in this category require three written quotes and keeping the formal bidding process as an option unless otherwise required by law.

   D. Purchases of $35,000.00 and up - Requires a formal solicitation through advertising which requires a vendor to submit sealed bids accompanied by a bid surety, unless surety is waived at the time the solicitation is issued.

The Managing Director may waive formal bidding procedures only when purchases must be made for an emergency declared by the Mayor and authorized by Council resolution, professional services required via a list from an insurance company or arbitration agreement; repair of any public work during an emergency; patented or copyrighted property; public utilities under tariffs on file with another governmental agency.

[1] **Per Charter Section 915 B(1) and B(2)**

2.02 APPROVAL AUTHORITY

1. Contracts of up to $34,999.99 are approved by both the Managing Director and the Mayor.

2. Purchases and contracts of $35,000.00 and higher must be approved by City Council.

3. To place an item on the City Council agenda, the department will forward all necessary documentation to the Purchasing Coordinator. The Purchasing Coordinator will prepare the request and submit it to the City Clerk for inclusion on the Council Consent Agenda.

4. All City contracts must be reviewed for form and content and signed by the City Solicitor before any City funds may be paid for said contract.

5. All City contracts must utilize the City's standard contract terms and conditions. This requirement may be waived on an individual basis if the Managing Director determines that the use of alternate contract terms and conditions are in the best interest of the City.

2.03 EXCLUSIONS

The following purchases are excluded from competitive bidding requirements:

1. Procurement of dues and memberships in trade or professional organizations; subscriptions for periodicals; advertisements; postage; used equipment; abstracts of titles for real property; title insurance for real property; real property; water, sewer, and electrical utility services; copyrighted materials; patented materials; art and artistic services; employment agreements; medical services; fees and costs of job-related travel; seminars; tuition; registration; and training.

2. Purchases from State of Pennsylvania or Federal GSA Contracts as well as contracts awarded by any local, state, or national government agency, cooperative purchasing organizations or purchasing associations.

3. Items purchased for resale to the general public.

4. Weather related events or other undeclared emergency situations.

Such purchases, transactions, and expenditures listed above shall be authorized by the Purchasing Coordinator. Certain procurements within the above categories may be obtained by competitive means when it is determined that adequate sources for the goods or services required are available.

Section 3
Emergency Purchase Procedure

3.01 PURPOSE:

The purpose of this procedure is to establish the proper purchasing procedure in times of emergency.

3.02 APPLICABLE TO:

All departments, divisions, offices and agencies.

3.03 DEFINITION:

1. An emergency is defined as an unanticipated situation requiring immediate action to avoid the loss of life, limb or property.

3.04 POLICY:

1. There will be no commitment of City funds to purchase goods or services outside the normal purchasing procedure, unless the need meets the criteria as defined above in Section 3.03.1.

2. The Mayor has the authority to declare a State of Emergency as provided for by Pennsylvania statutes and to subsequently suspend all standard operating purchasing procedures, as per Title 35 Pennsylvania Emergency Management laws and after the Declaration of Emergency has been adopted by Council.

3.05 EMERGENCY PURCHASING PROCEDURE DURING NORMAL WORK HOURS:

Responsibility	**Action**
Department, division, office or agency representative	1. If an emergency occurs during normal working hours, the department, division, office or agency receives permission from the Managing Director to request the purchasing coordinator to order the materials and/or services necessary. The department, division, office or agency may suggest a vendor with whom he/she is familiar and considers reliable.
Purchasing Coordinator	2. The purchasing coordinator, if time permits, will contact vendors and receive price quotes. 3. The purchasing coordinator obtains the price for each item, the total amount, the date, and location of delivery. The purchasing coordinator verbally places the order with the vendor. 4. The purchasing coordinator informs the vendor that a confirming purchase order will follow and that the vendor should send the invoice to accounts payable once the purchase order is received.

Responsibility	**Action**
	5. The purchasing coordinator informs the department, division, office or agency of the vendor, prices, total amount, etc., in order that a requisition can be prepared.
Department, division, office or agency	6. The department, division, office or agency prepares a confirming emergency requisition for processing immediately upon notification of pertinent data by the purchasing coordinator. 7. The department, division, office or agency shall issue a memo referencing the purchase order and describing the nature of the emergency. 8. The department, division, office or agency shall not wait for an invoice from the vendor prior to completing a requisition form.

3.06 EMERGENCY PURCHASING PROCEDURE AFTER NORMAL WORK HOURS:

Responsibility	**Action**
Department, division, office or agency	1. The department, division, office or agency, or if unavailable the on-site supervisor, is responsible for authorizing an order with a vendor if an emergency occurs after normal working hours. 2. The department, division, office or agency shall call the purchasing coordinator the following work day with details of the emergency purchase. 3. The department, division, office or agency shall complete a confirming emergency requisition. 4. The department, division, office or agency's action is subject to review by the purchasing coordinator and the Managing Director to determine compliance with this regulation.

Section 4
Sole Source Purchases

4.01 DEFINITION

Sole source purchases are defined as purchases of supplies, or equipment that meet all of the following criteria:

A. It is the only item that will produce the desired results or possess a unique performance capability; and

B. It is available from only one source; and

C. It is patented or copyrighted.

Professional services, legal services and attorneys and law firms are not eligible for sole source purchasing requirements. **[Amended 1-26-2015 by Ord. No. 4-2015]**

4.02 PROCEDURE

Sole source purchases are exempt from competitive requirements upon certification by the Purchasing Coordinator stating the conditions and circumstances necessitating the purchase via a Sole Source Justification Form. This certification shall set forth the purpose and need in addition to why the item is the only one that will produce the desired results. The Sole Source Justification Form must be signed by the Managing Director to be deemed "approved."

Sole Source Justification Forms shall expire annually on December 31st. Sole Source contracts shall not be eligible for automatic renewal/extension and must be re-certified by the Purchasing Coordinator before a renewal/extension may occur.

Section 5
Blanket Purchase Orders

5.01 PURPOSE:

The purpose of this issuance is to explain the nature of blanket order purchases and to define the specific procedures for establishing blanket orders, making purchases with blanket orders, and renewing and closing blanket orders.

5.02 APPLICABLE TO:

All departments, divisions, offices or agencies.

5.03 BLANKET ORDER PURCHASE:

1. General. A blanket order purchase is a special type of purchase order issued by the purchasing coordinator and designed to reduce the administrative effort and costs of placing recurrent orders for necessary items or services, such as heating fuel or repairs to office equipment.

   Blanket orders normally call for an undetermined quantity of a product to be delivered or a service to be provided on a continuing basis from a single vendor. In some cases, the quantity may be estimated at an agreed upon unit price.

   Only one blanket order at a time may be issued to a specific vendor, from a standard account. A single blanket order may however cover one or more types of items or services.

   A blanket order may be issued any time during a calendar year, unless otherwise determined by the Director of Administrative Services. Blanket orders will be invalid after December 31st of the year issued.

2. Types of Blanket Orders. Two types of blanket orders exist:

   A. Regular Blanket Orders (B) - referred to as merely blanket orders, are established with a vendor for a fixed dollar amount, but do not necessarily indicate the specific items or services to be purchased, their quantity, or unit price. The description is to state generally what is to be purchased, i.e., "various automotive replacement parts such as but not limited to filters, spark plugs, belts." Statements such as "Supplies as may be needed from time to time" are unacceptable.

   B. Blanket Orders with Price Agreements (BA) - Blanket orders with price agreements are regular blanket orders where the unit price of the items or services are agreed upon with the vendor for a stated period of time, i.e., fuel oil for the year. Items and prices should be clearly stated in the description along with date of quote or contract award and period of agreement.

5.04 PROCEDURES FOR ESTABLISHING BLANKET ORDERS:

The correct procedure to establish a blanket order is defined below. Blanket order requisitions are initiated and forwarded via the City's computer system.

Responsibility	**Action**
Department, division, office or agency	1. Determine the items or services to be purchased on a recurring basis; initiates a requisition
Controller	2. Reviews the requisition; determines if sufficient funds are available in specified account. If specified account has insufficient funds, notifies user to request a transfer from another account.
Director of Administrative Services	3. Examines blanket order for budget authorization. If questions arise, contacts the department, division, office or agency for clarification or explanation. If approved, forwards to purchasing.
Purchasing Coordinator	4. Distributes copies to appropriate offices and mails vendor copy.

5.05 PROCEDURES FOR BUYING ITEMS AGAINST A BLANKET ORDER:

Once a blanket order is established, the department, division, office or agency may approve the purchase of items covered by the blanket order.

The correct procedure to buy items against a blanket order is defined below.

Responsibility	**Action**
Department, division, office or agency	1. Department, division, office or agency approves all blanket order purchases before they are made. Authorized employee must present proper City identification to vendor. Single item purchases over $500 must be pre-approved by the purchasing coordinator.
Accounts Payable	2. Upon receipt of invoice from vendor, a copy is forwarded to the using department, division, office or agency.
Department, division, office or agency	3. Confirms accuracy of invoice, including price and availability of funds. Ensures that purchase order number and code are on the invoice. Obtains signature from the department, division, office or agency and forwards with receiving slip to accounts payable for payment.
Accounts Payable	4. Pays bill from the account used to establish the blanket order. Confirms accuracy of price with that listed on purchase or contained in contract or price agreement with vendor. Reduces blanket order amount accordingly.

5.06 PROCEDURES FOR RENEWING A BLANKET ORDER:

When a purchase is desired against a blanket order and insufficient funds are available from the blanket order, there are two options:

- If the purchase is the last one to be made against the blanket order, the department, division, office or agency may request accounts payable to add up to $1,000 additional funds to cover the last purchase. If more than $1,000 is required, the department, division, office or agency should issue a separate requisition for the purchase.

- If more than $1,000 is required to make the purchase and additional purchases are desired against a blanket order on a continuing basis, a renewal must be made.

In case of a renewal, the department, division, office or agency completes a new requisition. The procedure, herein, is the same as previously stated for requesting a new blanket order.

5.07 CLOSING A BLANKET ORDER:

A department, division, office or agency may desire to close a blanket order even though funds are still reserved.

To close an existing blanket order the department, division, office or agency contacts either purchasing or accounts payable with instructions to cancel it. Accounts payable removes the reservation and transfers the remaining funds into the same standard account of the department, division, office or agency.

A department, division, office or agency shall not have more than one blanket order with the same vendor, in the same expenditure code, unless one blanket order falls below $25.

Section 6
Payment for items and services without a purchase order

6.01 PURPOSE:

The purpose of this administrative communication is to:

1. Define the categories of purchases for which payment is authorized by use of the Accounts Payable Approval form.

2. Explain the procedure whereby payment to vendors is authorized by use of the Accounts Payable Approval form.

6.02 APPLICABLE TO:

All departments, divisions, offices or agencies

6.03 CATEGORIES OF PURCHASES MADE NOT REQUIRING A PURCHASE ORDER:

Certain categories of purchases do not require the department, division, office or agency to follow the requisition/purchase order process, and the orders are not placed by the purchasing coordinator as outlined in Administrative Procedure "Requisition and Purchase Order Process."

Categories of purchases that do not require a purchase order are as follows:

- Arbitration costs
- Association dues
- Books and subscriptions
- Business meeting expenses
- Charitable contributions
- Debt service & related fees
- Insurance
- Items under one hundred dollars ($100) that can legitimately be purchased via petty cash
- Postage
- Tuition
- Travel expenses for job related purposes - including meals, lodging and transportation (travel policy must be followed)
- Utility services (e.g., heat, electricity, phone services regulated by the PUC)
- Worker's compensation disbursements

Only the expenses and services listed above may be purchased with payment authorized by the Accounts Payable Approval form

6.04 SPECIFIC PROCEDURES FOR PAYMENT WITH AN ACCOUNTS PAYABLE APPROVAL FORM:

1. Authorization to Pay by the Accounts Payable Procedure.

Responsibility	**Action**
Department, division, office or agency	1. Determines if adequate funds are available in the appropriate account for the expense. a. If adequate funds are not available in the appropriate account, initiates a budget transfer. 2. Determines if items or services may be purchased by the accounts payable process. If so, contacts vendor directly and gives necessary information for purchase. 3. Receives goods or services. 4. After receiving goods or services and determining them to be satisfactory, completes an accounts payable approval form as an authorization for payment. 5. Forwards copy of the accounts payable approval form and vendor invoice to the Director of Administrative Services for authorization.
Director of Administrative Services	6. Reviews accounts payable approval form and if approves, signs accordingly and forwards with the invoice to Accounts Payable. Additional signature authorizations as per City policy are applied during this step.
Accounts Payable	7. Audits accounts payable approval form to verify funds are available in the account(s) specified. a. Returns to the department, division, office or agency for transfer if funds are not available in account(s) specified. 8. Insures that proper payment is made to vendor. 9. Notifies the department, division, office or agency of payment through issuance of monthly report of payments. 10. Forwards original copy plus vendor invoice to accounting for filing.

Section 7
Bid Solicitation, Evaluation and Award Procedure

7.01 PURPOSE:

The purpose of this issuance is to define and explain the procedures followed in the invitation/solicitation, opening, evaluation and award of bids for purchases of $35,000 and greater.

7.02 APPLICABLE TO:

The Purchasing office of the City of Reading and all departments, divisions, offices or agencies.

7.03 DEFINITIONS:

1. Bid - the formal offering of a price by a vendor for a specific construction project, commodity or product costing over $10,000.00 and requiring bid surety.

2. Bid Solicitation - a type of vendor solicitation used that requires the City to advertise for equipment, supplies and services desired and requires vendors to submit sealed bids.

3. Invitation to Bid - a document prepared by purchasing and sent to bidders for the purpose of soliciting bids on goods and services.

4. Mailing List - a current list of vendors offering supplies, equipment and services maintained by purchasing.

5. Public Work of the City - includes any service provided by the City on an ongoing basis for the welfare and protection of property and persons within its political bounds.

6. Responsible Bidder - a type of vendor that possesses at least, but not limited to, the following - adequate production facilities, sound financial standing and a sufficient experience in the business of producing and/or supplying goods or services.

7. Responsive Bidder - a type of vendor that complies with all specifications put forth by the invitation to bid.

8. Sole Source Supplier - a supplier who is the only vendor able to furnish a certain item that is copyrighted or patented, excluding any professional services.

9. Specifications - requirements and/or instructions that must be properly addressed and followed by bidders.

10. Vendor - a supplier of goods or services.

11. Verbal Solicitation - a type of vendor solicitation which involves an oral price statement from a vendor to the purchasing coordinator for a particular commodity or service.

12. Written Vendor Solicitation - a type of vendor solicitation that requires a written price quotation from the vendor to the purchasing coordinator.

7.04 GENERAL POLICY:

1. Central purchasing authority and responsibility in the City rests with the City purchasing coordinator and the City purchasing office.

2. The bidding process is a public process that is subject to public scrutiny and review. All purchasing procedures and regulations shall be written and made available for public review.

3. Any deviation from normal operating practices shall require proper documentation and approval by the Managing Director.

4. Projects or contracts which are federally funded must comply with provisions set forth by the United States Department of Labor, the United States Department of Housing and Urban Development, and the Office of Federal Contract Compliance Programs.

5. The Department of Community Development is responsible for monitoring contracts involving federal funds, including labor compliance.

7.05 PURCHASES REQUIRING BID SOLICITATION

1. All purchases of $35,000 and up require bid solicitations except those listed below:

   A. Public utility service under tariffs on file with the Pennsylvania Public Utility Commission.

   B. Any items purchased through Federal or City programs that have different bidding requirements mandated by a grant program.

   C. Purchases made through intergovernmental cooperation as governed by 1972, P.L.762, No.180:53 P.5.481 as amended and Act 31 of 1971 the City's cooperative purchasing program, a City law of general application.

2. Bid solicitations or RFP's are not mandatory for the items listed in 7.05.1 (above); however, requests by departments, divisions, offices or agencies to bypass the bid solicitation or RFP procedure must have valid justification. All such requests shall be in writing and receive approval by the Managing Director on a case by case basis.

7.06 MAILING LIST:

1. General. The bidders list is a current list of suppliers of various categories of commodities. The purchasing coordinator shall develop and maintain the mailing list.

2. Membership. The mailing list consists of:

   - Vendors with whom there has been a satisfactory, past relationship.

   - Vendors added by the purchasing coordinator as a result of research in trade journals, other documents or by consultation with user departments.

   - Vendors who contact purchasing in response to newspaper advertisements or in anticipation of the City's future needs.

   - Vendors who have never provided goods or services to the City and who request to be added to the City's mailing list, may be added on a probationary basis.

   - Vendor that has proven to be acceptable either through a positive experience with the City or through acceptable reference checks.

   The purchasing coordinator will review and update each commodity group at least once every two (2) calendar years.

3. Removal. Vendor files shall be located in purchasing. It is the responsibility of the department, division, office or agency to notify purchasing by memorandum of any supplier that does not act in a responsible manner.

A bidder may be removed from the mailing list when:

   - There are three (3) or more consecutive no responses to a request for quotation, within a one (1) year period.

   - There is failure to submit a bid for an annual contract for two (2) consecutive years.

   - Consistent inability to meet specifications and delivery dates.

   - General failure to keep commitments.

   - Consistent complaints by users about the quality of the product or service.

   Evidence of such failures of performance shall be documented by the department, division, office or agency and forwarded to the purchasing coordinator and the Director of Administrative Services for review. If the Director of Administrative Services determines that removal from the list is

justified, the vendor shall be notified in writing explaining the reasons for removal.

4. Reinstatement. A vendor can be reinstated to the mailing list upon receipt of a letter of application that explains their interest in City purchasing if the reason for removal was the vendor's failure to reply to the Invitation to Bid.

   If the vendor was removed for inability to meet specification, meet delivery dates or for offering a poor quality item, the vendor must take steps to show the purchasing coordinator that the problem has been or is being corrected. The purchasing coordinator will file the documentation submitted by the vendor in the appropriate vendor file and if acceptable will reinstate the vendor to the mailing list.

7.07 SOLICITATION PROCEDURE.

1. Product or Service Determination. The department, division, office or agency determines the need for a product or service and is responsible for budgeting the item. Purchasing can assist in deciding upon a reasonable figure for the particular item.

2. Authorization. A memo requesting the purchasing coordinator to advertise for bids for a specific item or service shall be initiated by the department, division, office or agency and approved by the Managing Director and Director of Administrative Services.

3. Requisition. The department, division, office or agency will initiate a requisition.

7.08 PREPARING SPECIFICATIONS. The specifications that are included in the Invitation to Bid are prepared by the department, division, office or agency, with guidance from the purchasing office. Specifications are required in all bid solicitation situations, and optional based upon the need in all other cases as determined by the purchasing office. The City strongly discourages restrictive specifications that can favor certain vendors.

1. When the department, division, office or agency decides to prepare the specifications, the department, division, office or agency should contact various suppliers of the product or service and request manufacturer's specifications. The purchasing office can provide guidance in this part of the procedure.

   All department, division, office or agency should be wary of salespersons who may attempt to influence how the City's specifications are drafted. The department, division, office or agency should be aware that the City benefits the most when there is good competition among numerous vendors.

2. The department, division, office or agency reviews all the manufacturer's specifications and prepares the City specifications so that as many suppliers as possible will be able to meet the requirements without sacrificing quality. The specifications should include all essential requirements to insure that the item meets

the department, division, office or agency's needs, but simultaneously containing only those features that are necessary for an item's intended use.

3. The department, division, office or agency attaches the drafted City specification to the manufacturers' specifications used, and forwards to the purchasing office.

4. Purchasing will review the drafted specifications to assure that as many vendors as possible can successfully meet the requirements and respond to the Invitation to Bid. If the purchasing coordinator feels that the specifications as drafted will not support competition, necessary changes will be made in coordination with the department, division, office or agency. If the purchasing coordinator and the department, division, office or agency cannot agree on a common ground, they will meet with the Director of Administrative Services to make the final determination of how the specifications will read.

5. The purchasing office may, with the cooperation of the department, division, office or agency, organize a pre-bid conference with potential vendors for the purpose of reviewing draft specifications for completeness, accuracy and fairness.

7.09 INVITATION TO BID

1. General. The Invitation to Bid which is issued by purchasing establishes the criteria for determining the responsive bidder by outlining the procedure bidders must follow to be considered for the bid award. The Invitation to Bid or a copy of the newspaper ad or internet posting outlining the bid solicitation may be sent to vendors in that particular category of the mailing list.

2. Procedural requirements included in the bid packet outline standard instructions to be followed for bidding, delivery and, completion schedules, payment, invoicing procedures, and conditions for inspections and acceptance of purchased items.

3. Notice Inviting Bids.

   A. Public notice shall be given for all bid solicitations. Acceptable methods of public notice include: publishing an advertisement two times, each publication on a different day, in at least one newspaper of general publication, posting of the bid solicitation to the City website, publication in a specialty-interest publication, or other methods as may be deemed acceptable by the purchasing coordinator. The bids shall not be opened until at least ten days have elapsed after the first advertisement.

   B. City Web Site. All bid solicitations published on the Purchasing section of the City web site shall include at least:

      - A description of the equipment, supplies, products or services to be purchased.

      - Where the bid form and specifications can be obtained.

- The deadline and location for submission.
- Reference to prevailing wages if applicable.

C. Mailing List. The purchasing coordinator shall maintain a mailing list of current suppliers. Vendors on the mailing list will be directed to the City website, where they can find relevant information on open bids.

4. Bid Security. Purchasing shall require a bid security that serves the purpose of protecting the interest of the City, unless otherwise determined by the Managing Director at the time of bid publication. The bid security will be required equally of all bidders.

   A. Security Amount. All bids shall be accompanied by cash, certified check, a bond with corporate surety or at the City's option, an irrevocable letter of credit in the amount of ten percent (10%) of the bid.

7.10 BID RECEIPT, OPENING AND TABULATION.

1. Receipt. All bids shall be submitted in a sealed envelope, marked with the bid number and delivered to the Purchasing Office by the date and time of the bid opening or the deadline as advertised.

   Upon receipt, the bid envelope shall be stamped with the date and time received and placed in a locked filing cabinet until the time of the opening. All bids shall remain sealed until the time of the bid opening.

2. Opening. All bids submitted in response to the City's Invitation to Bid shall be opened by the purchasing coordinator and witnessed by the City Clerk or their designees at the time and date advertised in the legal notice. The bid opening shall be held in a public forum and may be attended by the news media, concerned citizens and interested vendors.

3. Tabulation. All bids shall be tabulated. The tabulation becomes a permanent record of all bids received, showing the bidder's name, items and prices. Bids considered invalid, i.e., submitted without security, will be listed on the schedule as such.

   The tabulation shall be filed in the purchasing office for seven (7) years, or as may be specified in the Records Retention Schedule, to be used as evidence of competitive practices and serve as a source of information if questions do arise.

7.11 BID EVALUATION AND AWARD:

1. No Bids. If a situation occurs that no bids are received by Purchasing, the purchasing coordinator shall:

A. Review the specifications to insure that they are not overly restrictive or unrealistic and after being duly authorized, re-issue the Invitation to Bid with or without adjusted specifications.

B. If again bids are not received, the City may enter into a contract for purchase of the item within forty-five (45) days of the second advertisement thereof, in accordance with PA Act 1979-78.

Regardless of action, the purchasing coordinator shall document in writing the steps taken and reasons for the action.

2. Other Situations.

A. Late Bids. Late bids, regardless of the circumstances, are unacceptable.

B. Tie Bids. Only on rare occasions are bids received from responsible vendors for the same amount or unit price, with quality and service being equal. In such instances, the contract shall be made by drawing lots in a public forum.

This tie bid procedure will only be followed when the tie bidders are all responsible bidders and equal in quality and service, as well as price.

C. Alternate Bids. By City policy, alternate bids are not encouraged. As a rule, if a bid is not responsive to the Invitation to Bid, it should be rejected. However, if the alternate bid reflects the only product or service the firm has to offer and if the bid is advantageous to the City through lower cost for a quality item, the purchasing coordinator shall consult with the appropriate department, division, office or agency and the purchasing committee prior to making the final recommendation. In all cases, the purchasing coordinator shall:

Document the decision on accepting or rejecting an alternate bid with reasons for the decision.

Be sure that all respondents to an Invitation to Bid have received opportunities equal to that of the alternate bidder.

D. Adjustments Due to Errors. If a mistake is discovered after opening, only those deviations that do not give a bidder an unfair advantage over his/her competitors will be permitted. These include, but are not limited to multiplication errors in completing totals from unit prices (the unit price will prevail) and an obvious misplacement of decimal points.

E. Withdrawal of Bids. If the bidder discovers an error after submittal, but prior to opening, he/she will be permitted to make formal changes or withdraw the bid before the bid opening without revealing the bid amount.

A new sealed bid should be delivered in person or by mail, prior to the deadline advertised in the legal notice.

A bidder to a construction contract may withdraw a bid from consideration after the bid opening without forfeiture of the ten percent (10%) bid surety, if the bid was submitted in good faith and the bidder submits credible evidence that a clerical mistake or an unintentional omission of a substantial quantity of work, labor, material or services was made in direct compilation of the bid and the reason for the price being substantially lower, as opposed to a judgment error.

3. Rejection of Bids. City Council or the Managing Director whichever applies, shall have the authority to reject a single bid or all bids for reasons including but not limited to the following circumstances:

- Unreasonably high bid prices
- Late arrival
- Alternate bids
- Error corrections that would give an unfair advantage
- Suspicion of collusion among bidders
- Substantial non-conformance with bid specifications
- Failure of the bid to meet the criterion of being the lowest responsive and responsible bidder

4. Bid Award.

A. 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.

B. The department, division, office or agency shall review all bids and make a recommendation to the purchasing manager by completing the "Recommendation to Award Contract" form.

If the purchasing coordinator has technical or operational concerns regarding the recommendation of the head of the department, division, office or agency, the award will be referred to a purchasing committee, comprised of the Managing Director, the Director of Administrative Services, and the City Solicitor or his designee, for determination. In the case where the Administrative Services Department or Law Department has issued the bid, the Managing Director shall designate one or more neutral parties

C. The Director of Administrative Services shall review the recommendation to ensure an award is compatible with the budget.

D. The Managing Director shall approve all recommendations.

E. Both the Mayor and the Managing Director shall have final approval of contracts below $35,000.

F. City Council shall award or reject all contracts exceeding $34,999.99.

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

H. The successful vendor after receiving the contract documents has ten (10) working days to sign and return with the necessary bonds.

I. If the selected vendor fails to deliver a bond or items bid within the time limits specified, the purchasing coordinator may choose to recommend rescinding the award and re-advertise for bids. In such event, the delinquent bidder shall be responsible for the costs of re-bidding and the amount of any increase in the contract price thereby resulting. The purchasing coordinator 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.

J. Local Preference: For all competitive solicitations in which objective factors are used to numerically evaluate the responses from vendors by the selection committee, and price is one of several of the criteria for award among otherwise qualified vendors, where a non-local business is the highest ranked proposer and the ranking of a local proposer is within ten (10%) of the ranking obtained by the non-local proposer, the highest ranked local proposer (within 10%) may be considered for negotiations with the City. If the City determines that it is, in its sole and exclusive discretion, unable to negotiate an acceptable contract, then it shall proceed to negotiate with the next highest ranked proposer, whether local or non-local.

The City has the sole discretion in determining whether a business meets the criteria to qualify for a local business preference and reserves the right to revoke this preference at any time if the City determines the business no longer meets the following criteria:

1. The principal place of business is located in the City of Reading; and

2. The business has held a valid City business license for at least one (1) year prior to the date of application; and

3. The business maintains its status as a local bidder throughout the term of the contract; if it fails to do so, the City, in its sole discretion, may terminate the contract.

Section 8
Purchasing of Professional Services

8.01 PURPOSE:

The purpose of this regulation is to outline the process involved for preparing specifications, letting of Request For Proposals (RFP's), awarding contracts and payment of bills for professional services.

8.02 APPLICABLE TO:

All departments, divisions, offices or agencies.

8.03 POLICY:

1. For the purpose of this regulation the term "professional" is defined as those persons or firms marketing services requiring advanced academic or technical training skills. Examples of professional services include work done by the following contractors but is not necessarily limited to these services:

   - Accountants
   - Architects
   - Attorneys, including independent legal counsel as per § 5-213 and § 5-302 **[Amended 1-26-2015 by Ord. No. 4-2015]**
   - Bond Underwriters
   - Engineers
   - Insurance Consultants, Agents, and/or Brokers
   - Investment Advisors
   - Physicians

2. Professional service contracts are not to be confused with standard contracts which seek a price or costs for particular work detailed in specifications. Professional contracts seek expertise through an RFP and pricing or cost may not be of "primary" importance.

3. A professional contract, while it is based upon work performed in response to task specifications and the need for a finished product as outlined by the City and agreed to by a contractor, it is one that by its very nature cannot be awarded solely based upon the selection of the lowest bidder.

4. Factors other than price alone must be carefully weighed in the review of proposals and the award of such contracts. These factors include the professional qualifications/certifications, special skills, experience, and familiarity of the contractor with the work requested, all of which have impacts on the quality of the product/service to be delivered.

8.04 PREPARING REQUESTS FOR PROPOSALS (RFP'S) FOR CONTRACTS GREATER THAN $35,000.

1. When to prepare an RFP.

   A. When it is estimated that the cost of a purchase of professional services shall meet or exceed $35,000, the RFP process must be initiated and the vendor must be retained through a written contract. Competitive proposals increase the ability to fully evaluate both the benefit and costs of the services being sought.

   B. Notwithstanding any other provisions to the contrary if the Managing Director so determines, no RFP shall be required for an employee engaged in providing professional services to the City who terminates employment with the City and shall then be engaged as an independent contractor. In addition, no RFP shall be required for an independent contractor whose engagement terminates, if the Managing Director desires to continue the engagement by the City.

   C. For all contracts expected to exceed $34,999.99 and for all contracts that are multi-phased (e.g., feasibility study and design, multiple contract renewals/extensions within a one-year period) department, division, office, agency or person designated by the Managing Director shall prepare a RFP specifically for the extent of the work effort that can be defined at that particular time. The RFP should solicit information pertaining to the contractor's qualifications and costs (including appropriate hourly rates, etc.) for as many phases as appropriate. Costs and qualification information should then be utilized to select the contractor. For any subsequent phases of the contract that have not been specifically defined in the initial RFP, a new RFP should be drafted and circulated to secure competitive proposals from interested contractors.

2. How to write an RFP:

   The Request For Proposal shall clearly describe the desired services and may include, but not be limited to, the following information:

   - General background information pertinent to the requested services.
   - Nature and scope of requested services including minimum tasks and activities to be performed together with prescribed completion schedule.
   - Methodology and technical approach to be used in accomplishing the requested work.
   - Description of reports required.
   - Documentation of qualifications and experience in similar work and resumes of staff members to be assigned to the engagement.
   - Compensation information including detailed cost information itemizing hours and rates of each class of staff to be utilized, and out-of-pocket expenses such as travel, telephone, publication and duplication.

- Estimated utilization of City resources necessary to complete the engagements.
- Information as to the City's evaluation and selection process.
- Minority Business Enterprise (MBE)/Woman Business Enterprise (WBE) participation.

8.05 CONTRACTS BETWEEN $10,000 AND $34,999:

1. The department, division, office, agency or person designated by Managing Director to handle the assignment, shall request written proposals from at least three (3) firms. Proposals shall include the fee in the form of a unit cost and the total maximum cost to be charged. After analysis, a recommendation shall be presented to the purchasing coordinator, Director of Administrative Services and Managing Director for final approval.

   In the event the Solicitor has concluded that a conflict exists between the Mayor/Administration and City Council, the RFP process for independent legal counsel shall commence. The Mayor/Administration or City Council shall review their respective proposals and prepare individual justifications that will include, at minimum: a brief explanation identifying the preferred bid, anticipated cost, and the allocation source from where the expenses will be paid. Final analysis and ultimate approval for all justifications will rest with the purchasing coordinator, Solicitor or his representative, Director of Administrative Services and Managing Director. **[Added 1-26-2015 by Ord. No. 4-2015]**

2. Upon written request, unsuccessful firms shall be given a written explanation as to the reasons for the selection.

3. The department, division, office or agency should take precautions to project the total cost of professional service contracts that are multi-phased. An RFP must be prepared for those multi-phased contracts when the total cost of which could exceed $34,999.99.

4. Once final approval for a contract less than $35,000 has been granted by the Administrative Services Director and the Managing Director, the department, division, office, agency or person designated by the Managing Director to handle the assignment shall meet with a representative from the City Solicitor's office to draft the required contracts.

5. Multiple contracts valued below $35,000 which occur during a single year and provide for the same or a substantially similar service; or for which services are provided by the same individual or vendor shall be considered to be multi-phased. These contracts shall be subject to the approval requirements of a contract that exceeds $34,999.99.

6. No contract valued at less than $35,000 shall be eligible for payment by the City without the contract having been signed by the City Solicitor.

7. The City Solicitor shall provide final review for form and content and signature on the contract. Contracts without Solicitor signature will not be eligible for payment.

8.06 THE PURCHASING COORDINATOR'S RESPONSIBILITY: **[Amended 9-8-2014 by Ord. No. 65-2014]**

For purposes of consistency, the purchasing coordinator may be appointed to all committees designated to prepare RFPs, shall review all documents prior to issuance and may evaluate submissions. The purchasing coordinator shall not have the ability to vote upon submissions on which the purchasing coordinator has not performed an evaluation.

The Administrative Services Director shall authorize the advertising or posting for professional services or RFPs by the purchasing coordinator, who will advertise, if applicable, in local newspapers of general circulation, regional metropolitan newspapers, trade journals, and, in all instances, post on the City website.

1. The advertisement or posting shall give notice that an RFP is available for review by interested firms. Basic information describing the requested services, where the document can be obtained and the deadline and location for submission shall be included.

2. At the discretion of the purchasing coordinator or the department, division, office or agency a mandatory pre-proposal conference may be held with all interested firms to clarify any questions.

8.07 SELECTION OF PROFESSIONAL SERVICE CONTRACTS GREATER THAN $34,999.99

1. The proposals of those firms responding to an RFP are reviewed by a selection committee designated by the Managing Director or his designee.

   In the event the Solicitor has concluded that a conflict exists between the Mayor/Administration and City Council, the RFP process for independent legal counsel shall commence. The Mayor/Administration or City Council shall review their respective proposals and prepare individual justifications that will include, at minimum: a brief explanation identifying the preferred bid, anticipated cost, and the allocation source from where the expenses will be paid. The justifications will then be submitted to a Panel composed of the Solicitor, Managing Director, and Auditor for their review and recommendation. The Panel shall offer their recommendation for final approval to City Council once they have reached a two-thirds majority vote. Failure to secure a majority vote by either the Mayor/Administration or City Council will require supplemental information or additional information as requested by the Panel. **[Added 1-26-2015 by Ord. No. 4-2015]**

   A. The selection committee shall consist of the purchasing coordinator (advisory and oversight when not an evaluator), the City Solicitor (non-voting member), three designees of the department, division, office or agency, and the designee

of the Administrative Services Director. All committee members must sign and return, to the purchasing coordinator, the Confidentiality Statement and No Conflict of Interest Statement prior to receiving any non-public information regarding the applicable RFP. **[Amended 9-8-2014 by Ord. No. 65-2014]**

B. The selection process shall be based on the objective criteria contained in the RFP (Section 8.04.2) and not on the lowest bid.

Examples of the evaluation criteria include: size and experience of the firm on similar projects, client references, demonstrable understanding of the requested work, the ability and/or commitment to meet the prescribed completion schedule, and the cost estimates.

C. The recommendation of the selection committee shall be to the firm with highest total points.

D. The selection committee has the responsibility to negotiate the most favorable cost, terms and conditions to the City of Reading. The negotiating process may involve one or more RFP responses, and may continue until the actual award of the contract.

E. A meeting with the purchasing coordinator and the representative of the Solicitor's office will be available for a firm who is dissatisfied after not being recommended for award of the contract.

2. The selection committee shall submit a written report on the process and its recommendation, to be reviewed with the Administrative Services Director.

3. Prior to formal acceptance, the RFP and the proposal shall be submitted to the Solicitor's staff for review.

4. The Administrative Services Director and the selection committee will prepare a recommendation for the Managing Director to present to City Council for final approval where such approval is required by the Charter and/or by the Administrative Code.

5. The Administrative Services Director shall advise the purchasing coordinator to formally notify the successful firm.

6. No contract valued at greater than $34,999.99 shall be eligible for payment by the City unless the contract is approved by Council and signed by the Mayor and City Solicitor.

7. The City Solicitor shall provide final review of the contract for form and content. The City Solicitor's signature shall only be affixed to the contract after this review is complete. Contracts lacking Solicitor approval will not be eligible for payments.

8.08 RENEWAL OF PROFESSIONAL SERVICE CONTRACTS:

The City shall have the option to renew a professional services contract for one (1) year beyond the established contract period, based upon a continuation of the current contract price or the re-negotiation of a new price. This does not preclude the City from requesting a term contract with multiple 1-year renewal periods, as long as the total contract term does not exceed five (5) years. However, if a contract does not originate with multiple 1-year renewal periods, it shall only be eligible for a one (1) year extension at the current or re-negotiated price.

Section 9
Non-Collusion and Bid Rigging

9.01 DEFINITION OF BID-RIGGING - The concerted activity of two or more persons to influence the winning bidder of a contract.

9.02 PROHIBITED ACTIVITIES - It is unlawful for any person to conspire, collude, or combine with another in order to commit or attempt to commit bid-rigging. Unlawful bid-rigging includes but is not limited to:

A. Agreeing to sell items or services at the same price.

B. Agreeing to submit identical bids.

C. Agreeing to rotate bids.

D. Agreeing to share profits with a contractor who does not submit the low bid.

E. Submitting prearranged bids, agreed-upon higher or lower bids or other complementary bids.

F. Agreeing to set up territories to restrict competition.

G. Agreeing not to submit bids.

9.03 SIMULTANEOUS BIDS - It is ***not*** unlawful for the same person to simultaneously submit bids for the same work or a portion thereof, as a proposed prime contractor and subcontractor.

9.04 NON-COLLUSION AFFIDAVITS - All Bids and RFP's should include the requirement for bidders and vendors to provide a non-collusion affidavit with their bids/proposals. A form of a non-collusion affidavit is found in the Appendix of Forms. The non-collusion affidavit must state whether or not the person has been convicted or found liable for any act prohibited by federal or state law in any jurisdiction involving conspiracy or collusion with respect to bidding on any public contract within the last five years. The non-collusion affidavit should provide that the person's statement on the affidavit that he has been convicted or found liable for any act prohibited by federal or state law in any jurisdiction involving conspiracy or collusion with respect to bidding on any public contract within the last five years does not prohibit the City from accepting a bid from or awarding a contract to that person but it may be grounds for:

A. Rejection of the bid/proposal on the basis of lack of responsibility; and/or

B. Suspension or disbarment

9.05 INVESTIGATION. If suspicion exists that a bidder may have engaged in bid-rigging or collusion activity, the purchasing coordinator will refer the matter to the City Solicitor who may, if the Solicitor also finds suspicious facts, forward the matter to the Office of the Berks County District Attorney.

Section 10
Allowable Contract Types

10.01 GENERAL.

1. The selection of an appropriate type of contract and contract costs are related and should be considered together. The objective is to negotiate a contract type and price that includes reasonable contractor risk and provides the contractor with the greatest incentive for efficient and economical performance. When there is a need for using other than a firm fixed-price contract, it must be determined, before award of the contract, whether the contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated and is adequate to allocate costs in accordance with generally accepted accounting principles. This may be particularly critical where a cost-reimbursement type of contract is being considered and all current or past experience with the contractor has been on a fixed-price basis.

   A contract may be one of the following types or a combination of the types identified below. **COST-PLUS-A-PERCENTAGE-OF-COST CONTRACTS ARE PROHIBITED.**

10.02 FIRM, FIXED-PRICE CONTRACTS. Firm, fixed-price contracts are of several types designed to facilitate proper pricing under varying circumstances.

1. Established-Price Types. The established-price type of contract provides for a firm price or, under appropriate circumstances, may provide for an adjustable price for the supplies, services, or construction which are being procured. In providing for an adjustable price, the contract may fix a maximum or minimum price. Unless otherwise provided in the contract, any such maximum or minimum price is subject to adjustment only if required by the operation of any contract clause which provided for equitable adjustment, escalation, or other revision of the contract price upon the occurrence of an event or contingency. Established-price contract types are generally created through line item specific bid pricing or established catalog bid pricing.

2. Basic Established-Price Contract. The basic established-price contract provides for a price which is not subject to an adjustment by reason of the cost experience of the contractor in the performance of the contract. This type of contract places maximum risk upon the contractor. Because the contractor assumes full responsibility, in the form of profits or losses, for all costs under or over the firm fixed-price, he or she has a maximum profit incentive for effective cost control and contract performance. Use of the basic established-price contract is suitable for use in procurements when reasonably definite work statements, specifications, and performance requirements are available and whenever fair and reasonable costs can be established at the outset.

3. Established-Price Contract With Escalation. The established-price contract with escalation provides for the upward and downward revision of the stated contract price upon the occurrence of certain contingencies which are specifically defined in

the contract. The risks in a basic established-price contract are reduced by the inclusion of escalation provisions in which the parties agree to revise the stated price upon the happening of a prescribed contingency. Where escalation is agreed upon, upward adjustments shall be limited to the establishment of a reasonable ceiling, and provisions will be included for downward adjustments in those instances where the prices or rates shall fall below the base levels provided in the contract. The escalation generally covers the increase in labor costs due to an increase in the minimum wage or union contract negotiations, or other costs such as fuel, which are beyond the direct control of the contractor.

4. Established-Price Plus Incentive Contract. The established-price plus incentive contract is a firm, fixed-price type of contract with provisions for adjustment of profit and establishment of the final contract price by a formula based on the relationship which final negotiated total cost bears to total target costs. Established-price plus incentive contracts are appropriate when the supplies, services, or construction being procured are of such a nature that assumption of a degree of cost responsibility by the contractor is likely to provide him with a positive profit incentive for effective cost control and contract performance.

5. Prospective Price Redetermination at a Stated Time or Times During Performance Contract. This type of contract provides for an established-price for an initial period of contract performance and for prospective price redetermination either upward or downward at a stated time or times during the performance of the contract. This type of contract is appropriate in the procurement of supplies, services, or construction where it is possible to negotiate fair and reasonable established prices for an initial period but not for subsequent periods of contract performance.

   This type of contract should not be used unless:

   1. It has been established through negotiations that a basic established-price contract does not fulfill the requirements established by the conditions surrounding the procurement.

   2. The contractor's accounting system is adequate for price redetermination purposes.

   3. The prospective pricing period can be made to conform with the operations of the contractor's accounting system.

   4. Reasonable assurance exists that price redetermination action will be taken promptly at the time or times specified.

   5. It has been approved by the Administrative Services Director.

10.03 <u>TIME AND MATERIALS CONTRACT.</u>

The time and materials contract provides for the procurement of supplies, services, or construction on the basis of:

1. Direct labor hours at specified fixed hourly rates (which rates include direct and indirect labor, overhead, and profit).

2. Material at cost which could include handling and administrative expenses. This type of contract does not afford the contractor any positive profit incentive to control the cost of the materials or to manage his labor force effectively. The time and materials contract is used only where it is not possible at the time of placing the contract to estimate the extent or duration of the work or to anticipate costs with any reasonable degree of confidence. This type of contract is usually used for procurement of repairs, maintenance or overhaul work, and work to be performed in emergency situations. If this type of contract is used, the contract must show a ceiling price which the contractor exceeds at his own risk. For all agreed upon work not completed at the ceiling price, the Contractor must complete the agreed upon work at their own expense.

3. Labor-Hour Contract. The labor-hour type of contract is a variant of the time and materials type of contract differing only in that materials are not supplied by the contractor.

4. Unit Price Contract. The unit prices for the supplies, services, or construction to be provided are established in the contract with an estimated total amount. The contractor is paid in accordance with the unit price.

5. No-Fee Contract. A contract where supplies, services, or construction are provided at no cost to the City.

10.04 COST-REIMBURSEMENT CONTRACT.

The cost-reimbursement type of contract provides for payment to the contractor of allowable costs incurred in the performance of the contract to the extent prescribed in the contract. This type of contract establishes an estimate of total cost for the purpose of obligation of funds and a ceiling which the contractor may not exceed (except at his own risk) without prior approval and subsequent amendment of the contract. The cost-reimbursement contract is suitable for use only when the uncertainties involved in contract performance are of such magnitude that cost of performance cannot be estimated with sufficient reasonableness to permit use of any type of fixed-price contract. In addition, it is essential that the contractor's cost accounting system is adequate for the determination of costs applicable to the contract and appropriate surveillance by agency personnel during performance will give reasonable assurance that inefficient or wasteful methods are not being used.

1. Cost-Sharing Contract. A cost-sharing contract is a cost-reimbursement type contract under which the contractor receives no fee but is reimbursed only for an agreed portion of its allowable costs. A cost-sharing contract is suitable for those procurements which cover research projects which are jointly sponsored by the City and the contractor with benefit to the contractor in lieu of full monetary reimbursement of costs. In consideration of this benefit, the contractor agrees to

absorb a portion of the costs of performance. This type of contract is used for jointly sponsored research and development work with nonprofit educational institutions or other nonprofit organizations or other research and development work where the results of the contract may have commercial benefit to the contractor.

2. Cost-Plus-Incentive-Fee Contract. The cost-plus-incentive-fee contract is a cost-reimbursement type contract with provisions for a fee which is adjusted by formula in accordance with the relationship which total allowable costs bear to target costs. Under this type of contract, there is negotiated initially a target cost, a target fee, a minimum and maximum fee, and a fee adjustment formula. After performance of the contract, the fee payable to the contractor is determined in accordance with the formula. The provision for increase or decrease of fee is designed to provide an incentive for maximum effort on the part of the contractor to manage the contract effectively.

3. Cost-Plus-A-Fixed-Fee Contract. The cost-plus-a-fixed-fee contract is a cost reimbursement type of contract which provides for the payment of a fixed fee to the contractor. The fixed fee, once negotiated, does not vary with actual cost, but may be adjusted as a result of any subsequent changes in the work or services to be performed under the contract. Because the fixed fee does not vary in relation to the contractor's ability to control costs, the cost-plus-a-fixed-fee contract provides the contractor with only a minimum incentive for effective management control of costs. This type of contract is usually used for the performance of research or preliminary exploration or study where the level of effort required is unknown. The fixed fee shall not exceed 10 percent of the estimated cost of the contract, exclusive of the fee, as determined at the time of entering into such contract. Payment schedules for reimbursing contractors will be designed to provide the City with a measure of assurance that contractor performs the work or services satisfactorily before complete payment is made.

10.05 PERFORMANCE BASED CONTRACT. The performance based contract is one which incorporates an incentive to the contractor to surpass stated performance targets by providing for increases in fee or profit to the extent such targets are surpassed and for decreases to the extent such targets are not met. The incentive feature (providing for increases or decreases, as appropriate) is applied to performance targets rather than performance requirements. The incentive should relate to specific performance areas or milestones which have been very carefully established and specified in the contract. Performance incentives present complex problems in contract administration and should be approached with caution.

Section 11
Bid Protests

11.01 WHO MAY FILE THE PROTEST. Any bidder, offeror, prospective bidder, prospective offeror, or a prospective contractor who is aggrieved in connection with the solicitation or award of a contract may file a protest. Protests relating to cancellation of invitations for bids or requests for proposals and protests relating to the rejection of all bids or proposals are not permitted.

11.02 TIME FOR FILING.

1. If a protest is submitted by a prospective bidder or prospective offeror, the protest must be filed before bid opening time or proposal receipt date.

2. If a protest is filed by a bidder or offeror or a prospective contractor, the protest must be filed within seven days after the protesting bidder or offeror or prospective contractor knew or should have known of the facts giving rise to the protest EXCEPT THAT IN NO EVENT MAY A PROTEST BE FILED LATER THAN SEVEN DAYS AFTER THE DATE THE CONTRACT WAS AWARDED. Date of filing is the date of receipt of protest.

3. Untimely filed protests must be disregarded by the purchasing coordinator.

11.03 FORM OF PROTEST.

1. A protest must be in writing and filed with the purchasing coordinator.

2. A protest must state all grounds upon which the protesting party asserts that the solicitation or award was improper. Issues not raised by the protesting party before the purchasing coordinator are deemed waived and may not be raised on appeal.

3. The protesting party may submit with the protest any documents or information deemed relevant.

4. The written protest shall be accompanied by a cashier's check in the amount of five percent (5%) of the contract award amount, or if the amount of the contract cannot be reasonably determined at the time, then in the amount of One Thousand Two Hundred Fifty Dollars ($1,250.00), made payable to the City of Reading. The purpose of this protest bond shall be to reimburse the City for all administrative costs associated with the appeal process. Failure to submit a protest bond shall be deemed a waiver of the bid protest and is a jurisdictional deficiency in the protest that will forfeit the right of the bidder to maintain the protest.

11.04 NOTICE OF PROTEST. If award has been made, the purchasing coordinator shall notify the successful bidder or contractor of the protest. If the protest is received before award and substantial issues are raised by the protest, all bidders and offerors who appear to have a substantial and reasonable prospect of winning the award shall be

notified and may file their agreement/disagreement with the purchasing office within five days after receipt of notice of protest.

11.05 STAY OF PROCUREMENT. The purchasing coordinator shall immediately decide upon receipt of the protest whether or not the solicitation or award shall be stayed, or if the protest is timely received after the award, whether the performance of the contract should be suspended. The purchasing office shall not proceed further with the solicitation or with the award of the contract, and shall suspend performance under the contract if awarded, unless the Administrative Services Director makes a written determination that the protest is clearly without merit or that award of the contract without delay is necessary to protect the substantial interests of the City.

11.06 PROCEDURES.

1. Purchasing Coordinator Response. Within 15 days of the receipt of a protest, the purchasing coordinator shall submit a written response to the Administrative Services Director. The response may include any documents or information that the purchasing coordinator deems relevant to the protest.

2. Protesting Party Reply. Within 10 days of the date of the purchasing coordinator response, the protesting party may file a written reply.

3. Review. The Director of Administrative Services or designee shall:

   A. Review the protest and any response or reply.

   B. Request and review any additional documents or information deemed necessary to render a decision.

   C. Give the protesting party and the department head reasonable opportunity to review and address any additional documents or information requested.

   D. In their sole discretion, conduct a hearing.

   E. Within 60 days of the receipt of the protest, issue a written determination stating the reasons for the decision.

   F. If additional time is required to investigate the protest, inform the protesting party of the additional time needed to render a determination and obtain the protesting party's consent.

4. "Clearly Without Merit" determinations. If the Administrative Services Director determines, upon receipt, that the protest is clearly without merit and does not stay the procurement, the purchasing coordinator shall immediately issue the decision as required by 11.08, below.

11.07 SETTLEMENT. The Director of Administrative Services, in consultation with the City Solicitor, has the authority to settle and resolve bid protests.

11.08 DECISION. The Director of Administrative Services or designee shall promptly, but in no event later than 60 days from the filing of the protest, issue a written decision. The decision shall:

1. State the reasons for the decision.

2. If the protest is denied, inform the protesting party of its right to file an appeal in Berks County Court within 15 days of the mailing date of the decision.

3. If it is determined that the solicitation or award was contrary to law, enter an appropriate order under 11.09. or 11.10., below.

4. The purchasing coordinator shall send a copy of the decision to the protesting party and any other person determined by the Administrative Services Director to be affected by the decision.

11.09 REMEDY BEFORE EXECUTION OF CONTRACT. If, before execution of a contract, it is determined that a solicitation or proposed award of a contract was in violation of law, the purchasing coordinator may do one of the following:

1. Cancel the solicitation;

2. Change the solicitation to comply with law;

3. Reject all bids or proposals or those parts of the bids or proposals which were affected by the violation; or

4. Change or cancel the award to comply with law.

11.10. REMEDIES AFTER EXECUTION OF CONTRACT. If, after the execution of a contract, it is determined that a solicitation or award of a contract was in violation of law:

1. If the contractor did not act fraudulently or in bad faith, the contract may be:

   A. Ratified and affirmed provided it is determined by the purchasing agency that doing so is in the best interest of the City.

   B. Modified to comply with the law with the consent of all parties.

   C. Cancelled and the contractor shall be compensated for the actual expenses reasonably incurred under the contract prior to termination. Such compensation shall not include loss of anticipated profit, loss of use of money, or administrative or overhead costs.

2. If the contractor has acted fraudulently or in bad faith, the contract may be:

READING CODE

A. Declared void.

B. Modified to comply with law with the consent of all parties.

C. Ratified and affirmed, provided it is determined by the purchasing coordinator, if that action is in the best interests of the City and without prejudice to the right of the City to damages, as may be appropriate.

Section 12
Petty Cash Funds

12.01 PURPOSE:

The purpose of this regulation is to establish the policy for the use of petty cash funds and to establish the procedure for replenishing these funds.

12.02 APPLICABLE TO:

All departments, divisions, offices or agencies.

12.03 GENERAL POLICY:

1. Petty cash funds exist to permit departments, divisions, offices or agencies to reimburse employees for incidental purchases. Petty cash is strictly for the purpose of reimbursing employees for out-of-pocket business expenses. There will be no petty cash advances.

2. Petty cash funds shall not be used to pay invoices. All invoices shall be paid through the accounts payable system.

3. A petty cash purchase shall not exceed one hundred ($100) dollars. At no time shall expenditures be fragmented to stay within the one hundred ($100) dollar limit.

   Departments, divisions, offices or agencies approving petty cash expenditures shall keep in mind that the City may pay higher prices by purchasing items through a number of small petty cash expenditures, rather than through a single bulk purchase via purchasing.

4. Items such as office supplies that are available from or through the purchasing office shall not at any time be purchased with petty cash funds.

   Petty cash shall not be used as a substitute to the Emergency Purchase Procedure.

5. All petty cash vouchers must have valid vendor receipts attached for the exact amount to be reimbursed. For mileage reimbursement, the travel expense report form must be used. Departments, divisions, offices or agencies shall not approve petty cash vouchers without proper receipts and shall inform employees that reimbursement will not occur if the proper procedure is not followed. Employees should be aware that the City is exempt from Pennsylvania sales tax, and that such tax should not be paid.

6. A brief statement justifying the petty cash expenditure shall be included on the petty cash voucher or petty cash ledger form. Petty cash expenditures shall be charged to the correct budget account number.

12.04 PETTY CASH FUNDS:

The Director of Administrative Services shall authorize the location and amount of petty cash funds. The following departments, divisions, offices and agencies maintain petty cash funds for the personnel in their offices:

- Treasurer's office for all City Hall departments, divisions, offices or agencies unless listed below:
  - Public Works
  - Police
  - Sewage Treatment

12.05 RESPONSIBILITY FOR PETTY CASH FUNDS:

A specific employee, designated as custodian, shall be assigned to each petty cash fund. The custodian is responsible for the accurate accounting and control of the department, division, office or agency's fund, including following the procedure to replenish the petty cash funds.

The City Auditor shall be responsible for the annual review of petty cash purchases and, when appropriate, make recommendations to the department, division, office or agency as to what purchases should be directed through the purchasing office.

12.06 PETTY CASH FUND PROCEDURES:

1. Reimbursement of Employee. The employee shall make a petty cash purchase with his/her own money. The employee shall be reimbursed the same day or the following work day by following the proper petty cash procedure:

   A. The employee shall first obtain permission from her/his immediate supervisor to purchase the required items or services. Any questionable petty cash expenditures shall be cleared with the department, division, office or agency before making the purchase.

   B. The employee shall purchase the items or services from a vendor at a reasonable price. The purchasing office may assist in selecting a vendor.

   C. For those departments, divisions, offices or agencies that maintain a petty cash fund, the employee shall submit his/her receipt, which has been signed by the immediate supervisor to the custodian for reimbursement from the petty cash fund.

   D. For those departments, divisions, offices or agencies that do not maintain a petty cash fund, the signed receipt shall be presented to the Administrative Services Director's office where a petty cash voucher will be prepared in duplicate and the proper code assigned.

E. The Administrative Services Director's office shall retain the duplicate copy of the voucher for audit purposes. The employee shall submit the original with the attached receipt to the City Treasurer for reimbursement.

F. The employee signature on the voucher acknowledges only receipt of the money, not responsibility for the purchase.

G. The employee shall submit the original with the necessary receipt attached to the custodian for reimbursement.

2. Replenishing the Petty Cash Fund Other than City Treasurer. The custodian of the petty cash fund shall replenish the fund as needed through the Accounts Payable system.

A. The custodian shall verify that the account being charged for the petty cash funds has a sufficient balance.

B. The custodian shall complete an Authorization to Reimburse Petty Cash Fund form.

C. The custodian shall keep the duplicate copy, attach all petty cash vouchers with receipts to the original, and submit to the City Accountant with a completed Accounts Payable Approval form.

D. The City accountant shall confirm accuracy of information, verify that there are sufficient funds in account, and submit to Accounts Payable for processing.

E. Accounting shall retain and file the original copy of the reimbursement form, the petty cash voucher and receipts.

F. Accounts Payable shall process the forms and generate a check payable to the office as a reimbursement to the respective petty cash fund, treating the reimbursement as a payment to a vendor.

3. Replenishing the City Treasurer Petty Cash Fund. The City Treasurer shall replenish the fund on a monthly basis through the Accounts Payable system.

A. On a monthly basis, the City Treasurer shall segregate all petty cash vouchers by fund and submit to the city accountant for reimbursement.

B. The accounting office shall confirm the accuracy of the information, breakdown the expenditures by line item, confirm that sufficient funds are in the accounts, and submit the vouchers and an Accounts Payable Approval form to Accounts Payable for processing.

C. Accounts Payable shall generate a check payable to the City Treasurer as reimbursement.

Section 13
Sale and Lease of City Owned Land and Property
[Added 11-23-2015 by Ord. No. 82-2015]

13.01 BACKGROUND:

1. Introduction

The City of Reading periodically offers properties for sale or lease to prospective buyers and/or lessees, as a way of providing property development and improvement opportunities that will strengthen the city's downtown and neighborhood real estate markets. The proceeds from the sale of properties shall be used either to fund capital repairs/projects or to support the City's reserve funding.

The policies included in this document are intended to provide prospective buyers and/or lessees with clear information about how to pursue opportunities to purchase or lease city-owned properties and how the city administration solicits, reviews, and responds to purchase offers.

2. Qualified Buyers and Bids

In order to be considered qualified to purchase or lease a city-owned property, a prospective buyer:

- Must be current with respect to property taxes and other city obligations or have entered into a payment agreement to fulfill these obligations.
- Must not own or have an interest in any property with any significant un-remediated violation of city codes and ordinances.
- Must not own a property that was subject to a completed Berks County tax foreclosure proceeding within the previous five years.

A prospective buyer and/or lessee must submit the disclosure information described in this document. Failure to submit disclosures or to provide other requested information will result in disqualification.

The City will require a prospective buyer and/or lessee to submit an application that describes development or improvement plans proposed for the property and that includes evidence that the prospective buyer has the financial and operational capacity to implement the plans as proposed. The amount of detailed information to be included in the application will depend on the proposed use of the property. For example, the development/improvement plan and documentation of financial/operational capacity associated with the purchase of a side yard will be different from that associated with the purchase of a large parcel proposed for a major commercial or residential development.

3. Appropriate and Timely Development

The City expects that properties will be developed in an appropriate and timely manner, based on documentation submitted by a prospective buyer and/or lessee. Generally, the City will require that development or improvement activities begin within six months after the date of sale and that these activities be completed as documented in the prospective buyer's and/or lessee's application. To the extent needed in order to ensure that its expectations are met, the City will place conditions on certain property sales and/or leases and will monitor the status of the property following the sale or lease until the proposed activities have been completed.

Proposed uses of purchased or leased property must be consistent with the City's Comprehensive Plan and with other city-approved and accepted plans. Purchasers are required to comply with all city, state and federal codes, regulations and statutes.

4. Documentation of Site Control

The City recognizes that developers often require legally recognizable site control as part of the development process. In order to respond to this need, the City may execute contingent agreements of sale, property reservation letters or option agreements in order to allow developers to pursue financing and other approvals necessary for development.

Agreements or contracts proposed to be executed for this purpose must meet the following conditions.

- The applicant must be a qualified buyer by fulfilling the requirements described in section II above.
- The agreement or contract must be limited to one year or less, with any subsequent renewal or extension solely at the City's discretion.
- The applicant may not use or move into the property without the City's authorization.
- An non-refundable option fee will be due upon execution (not-for-profit organizations and city-supported projects may be exempted from the fee).
- The terms of the agreement or contract will be public information.

5. Real Estate Review Committee

Applicant requests related to the pricing of a particular property or to the development of a property for a use that is not consistent with City zoning and land use designations will be referred to a Real Estate Review Committee. The committee will consist of two representatives of the City's Community Development Department (one of which shall be a representative of the Building

and Trades division) and one representative each from the Planning Department, the Department of Public Works, and the Reading Redevelopment Authority. The committee will review each such request and will make a recommendation regarding City action in response to the request to the Managing Director.

An applicant will be notified when the requested action is to be reviewed by the committee and will be given an opportunity to submit information and documents for consideration by the Committee.

6. Ethics

The City of Reading is committed to ethical and transparent processes for the sale and conveyance of its properties. All real estate transactions are governed by City and State laws and rules that generally prohibit, among other things, conflicts of interest, the disclosure of confidential information, and the representation of a person or organization by a City official or employee in a transaction with the City.

7. City Council

All sales and leases of city-owned property are subject to approval by the City Council of Reading. Following the city administration's favorable review of an offer to purchase a particular property, the Managing Director will submit documentation in support of the property sale to Council. The proceeds from the sale of properties shall be used either to fund capital repairs/projects or to support the City's reserve funding.

13.02 PROPERTY SALES PROCESS:

The City offers properties for sale in several ways.

1. General Sales

The City may publish information about one or more properties in its inventory online, in some instances with a listing price. Offers from prospective buyers are accepted and reviewed on an ongoing basis.

If the City receives more than one qualified offer for a property, the City may provide first preference to an applicant that proposes to develop the property for a public purpose, as described below. If no public purpose is proposed, the City will determine the most qualified applicant. In some instances, the City may use a Competitive Sales approach to obtain the best offer for the property.

The City's Real Estate Review Committee must approve the final sales price of any property that to be sold in this manner.

2. Competitive Sales

The City may offer a property for sale through broker listings, the use of the Multiple Listing Service, web sites or other methods of advertising in order to encourage broad participation in the sale of certain properties.

Properties will be placed on the market long enough to allow for broad engagement by potential buyers. The City retains the right to approve or reject an offer, based on price or other criteria. The Real Estate Review Committee will approve the asking price and will recommend approval of an offer for each such property to the Managing Director.

3. Direct Sales

The City may determine that certain properties will be sold to a specific party. The Real Estate Review Committee will present to the Managing Director the rationale for proposing to sell any property in this manner.

4. Requests for Proposals/Requests for Qualifications

Under circumstances in which the City has a specific planned use for a parcel, the City may issue a Request for Proposals (RFP) or Request for Qualifications (RFQ) in order to identify and select a potential developer. Offering a property for sale in this manner provides the City with an opportunity to explain the planned use and any restrictions that might be placed on the developer or successive owners of the property. An RFP/RFQ may be issued by a designated city agency and may be developed in consultation with other parties, as appropriate.

Any RFP or RFQ issued by the City for this purpose will be advertised in order to encourage broad participation. Selection criteria will be published as part of the RFP/RFQ documentation. These criteria may include factors such as developer capacity, anticipated development outcomes, and price. Issuance of an RFP or RFQ does not obligate the City to select a developer or a purchaser.

5. Sale of Small Vacant Lots for Side or Rear Yards

The City will review and respond to a request for the purchase of a small vacant lot for improvement as a side or rear yard under the following circumstances.

- The applicant must be the owner of an adjacent property and must be using that property as a primary residence.
- The property to be acquired must share a common boundary at either the side or back of the applicant's property.
- The block on which the applicant and the property are located must consist primarily of occupied properties.

- An applicant may acquire up to two adjacent lots, as long as one of those lots shares a common boundary with the applicant's primary residence.

- The City reserves the right not to convey properties that are adjacent to or near other vacant properties.

Once an application for property for a side or rear yard has been submitted, the City will give notice to any other property owners whose property shares a common boundary with the proposed yard. Those property owners will be offered the opportunity to submit an application for the property. If more than one adjacent property owner submits an offer to purchase the property, the City may sell the property to the highest bidder, subdivide the lot (if the applicants and the Planning Commission agree and if the applicants take full responsibility for the subdivision), or pursue another approach to resolving this situation.

13.03 PROPERTY LEASE PROCESS: (Reserved)

13.04 PRICING:

1. Listing Price

The City will publish list prices for all properties. The City may use an appraisal to establish the price of any property. For vacant structures, the cost of repair may be considered in determining price.

2. Discounted Pricing

The City may choose to support certain projects that serve a public purpose by conveying a property at a discounted price. If a property is identified for one of the following uses, the City will evaluate the proposal and property request to determine whether the proposed project provides significant, visible community benefits that would merit city support in the form of the reduction in price.

a. The price of property being acquired for a housing development venture defined as affordable by local, state, or federal government entities may be discounted. Affordable housing projects do not have to be directly subsidized by the city, state or federal government to qualify for discounted pricing.

b. Development projects that advance the City's economic development goals as articulated in the Comprehensive Plan and other City-approved and accepted plans may be eligible for discounted pricing. Eligible projects include but are not limited to:

1. Leveraging of previous public investments in infrastructure, job creation, and economic development;

2. Projects with the potential to spur additional private investment in underperforming commercial corridors, neighborhood centers, and areas of regional economic significance as identified in the city's Comprehensive Plan and other city-approved and accepted plans;

3. Projects that return industrial land to productive use in areas identified as appropriate for industrial development; and

4. Projects that support the completion of significant public improvements, including but not limited to the upgrading of public utilities and the rehabilitation or provision of new public infrastructure.

c. Community development projects that provide significant incremental benefits may be eligible for discounted pricing. Eligible projects include but are not limited to:

1. Support for existing community facilities or the provision of space for new community facilities such as libraries, recreation centers, health centers, computing centers, and playgrounds;

2. Significant improvements to community infrastructure including the greening of schoolyards or recreation center yards or other publicly-owned parcels to achieve storm water management, public recreation, or community gardening goals;

3. Creation of new infrastructure or support for existing infrastructure to improve safety and mobility for children, seniors, and other pedestrians, including sidewalk improvements, pedestrian plazas, traffic medians, or easements for trails; and

4. Urban agriculture – the cultivation of fruits, herbs, and vegetables – and complementary activities, such as processing and distributing food, collecting and reusing food waste and rainwater, and educating, organizing, and employing local residents.

Although religious institutions are not eligible for discounted pricing, community development projects sponsored by non-profit organizations affiliated with religious institutions may be eligible.

d. For properties priced at $25,000 or less that are proposed to be used as side or rear yards, up to $15,000 of the value may be deferred or forgiven.

13.05 <u>DISCOUNTED PRICING AND SELF-AMORTIZING MORTGAGES:</u>

For properties conveyed at a discounted price, the City may require the buyer to enter into a ten-year, self-amortizing mortgage for the amount of the discount, in order to ensure that, in the event that the property is resold to another party within 10 years, the buyer will not unduly benefit from the discounted price.

The characteristics of the self-amortizing mortgage are as follows:

a. The length of the mortgage will be 10 years from the date of conveyance;

b. The value of the mortgage is the amount of the price reduction agreed to by the City;

c. The buyer is not required to make payments on the mortgage so long as the property is used in conformance with the agreed-upon use for the ten-year period;

d. The mortgage balance will decrease by 10% each year for 10 years (for example, after one year, the balance remaining on a $10,000 mortgage will be $9,000; after two years, the balance will be $8,000, and so on);

e. Upon satisfactory completion of the ten-year period, the City will satisfy the mortgage.

f. In the event that the buyer wishes to sell the property before the ten-year expiration date of the mortgage, the City must receive the remaining amount owed on the mortgage before the mortgage will be satisfied;

g. The mortgage may be assumed by heirs to the original buyer.

13.06 URBAN AGRICULTURE:

The City supports the use of vacant land for three categories of urban agriculture.

a. Individual Gardens.

Definition: An individual garden is a property for which an individual or household is given temporary access to garden and maintain for their personal use. The intent is to provide an interim use for the land to eliminate blight and improve safety until development is possible.

The City expects that the majority of individual gardens will be temporary, and the land will still be available for development.

Terms: An Individual Garden Agreement (IGA) executed by the City with the individual or household will last for one year, and may begin and end at any time throughout the year. IGAs are time-limited agreements that both the City and gardener may terminate at any time, with or without cause, upon prior written notice to the other party. The City will use reasonable efforts to avoid terminating the urban garden agreement between April 1 and November 1. The City will provide as much notice as possible if a license is to be terminated.

Pricing: IGAs will be executed at nominal cost.

Renewal: IGAs may be renewed annually at the request of the applicant and at the discretion of the City.

Additional requirements: The City expects that individual gardens will be maintained throughout the term of the IGA. Maintenance standards will be provided in writing to all applicants.

Acceptable Uses: The gardener may enter and use the property only for the following non-commercial, gardening purposes: to grow food, flowers, ornamental plants, and other landscaping, to compost in rodent-resistant containers, and to complete associated construction, with the written approval of the City.

b. Community Gardens and Open Space.

Definition: A community garden is defined as one or more properties managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (such as flowers) for personal or group consumption, for donation, or for sale that is incidental in nature. A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (such as hand tool storage sheds) maintained and used by the group. Community gardens may be used for recreational purposes, and improvements to facilitate such purposes may be allowed on a case-by-case basis upon review by the City and with community support.

Terms: Community gardens and community-managed open spaces are eligible for Community Garden licenses or leases of up to five years in length, subject to renewal. Leases and licenses of longer than one year, lease and license renewals, and purchase options are available at the discretion of the city administration and subject to the approval of City Council. The City shall provide as much notice as possible if a license is to be terminated or a lease not renewed.

Pricing: Community Garden licenses and leases are to be made available at nominal cost in recognition of the beneficial community impact.

Additional Requirements for Community Gardens:

- Sponsorship by a local neighborhood, civic association, or institution.
- Insurance in a form acceptable to the City.

- Maintenance plan and description of community benefits and any related programming.

Acceptable Uses:

The gardeners may enter and use the property only for the following non-commercial, gardening purposes: to grow food, flowers, ornamental plants, and other landscaping, to compost in rodent-resistant containers, and to complete associated construction, with the written approval of the City.

c. Market and Community-Supported Farms

Definition: A market farm is defined as an area managed and maintained by an individual or group of individuals to grow and harvest food crops or non-food crops (such as flowers) for sale or distribution that is not incidental in nature. Market farms include both for-profit and nonprofit enterprises.

Terms: Lease terms are to be variable and are to be established by the City on an individual basis.

Pricing: Market and Community-supported Farm Leases may be available for nominal or reduced price at the discretion of the City.

Additional Requirements for Market and Community-Supported Farms:

- Insurance in a form acceptable to the City.
- City approval of a business plan/feasibility study.
- Written city approval for any constructed improvements.

Acceptable Uses: A market or community-supported farm may use the property to grow food, flowers, ornamental plants, and other landscaping, to compost in rodent-resistant containers, and to complete associated construction, with the written approval of the City.

Section 14
Receiving shipments of materials, supplies and equipment

14.01 PURPOSE:

The purpose of this issuance is to outline the required procedures for the receipt of materials delivered by vendors after procurement by purchase order.

14.02 APPLICABLE TO:

All departments, divisions, offices or agencies.

14.03 RECEIVING ORDERED MATERIAL:

1. Responsibility. Each item received must be inspected for damage and received in order to properly pay bills. These duties are the responsibility of the using department, division, office or agency personnel.

2. Receiving Shipments in Full or in Part. The receiver should check the packing slips to insure that all items were shipped as ordered. If the order is received in full, the packing slip should be signed, dated and filed with the department, division, office or agency copy of the purchase order. The signature and date is confirmation that the order was received as indicated.

   If a partial shipment is received, the packing slip should indicate that the remainder of the order is on backorder. If so, the slip should be signed, dated and forwarded to Accounts Payable with a copy of the purchase order for payment. A copy of the receiving should be filed with the department, division, office or agency. If a backorder is not indicated or the complete order is not received by the agreed upon date, the purchasing coordinator should be notified within one (1) working day for follow up with the vendor.

3. Incorrect or Damaged Shipments. The person receiving items inspects them for damage and correctness of order. If an order is delivered not as specified, the department, division, office or agency shall contact the purchasing office within one (1) working day of receipt of the order. The department, division, office or agency will explain why the delivery was unacceptable and request that provisions be made for a satisfactory replacement or a supplemental delivery. The purchasing coordinator shall also be contacted immediately if the vendor cannot comply with the original order.

4. Invoices. Although the vendor is directed to send all invoices to Accounts Payable, occasionally they may be included with a shipment. The department, division, office or agency shall forward all invoices to Accounts Payable immediately for proper payment, if they are included in the shipment.

Non-Collusion Affidavit

CITY OF READING, PA
RFP EVALUATION COMMITTEE
CERTIFICATION OF CONFIDENTIALITY
AND
NO CONFLICT OF INTEREST

RFP Description _____
Evaluator Name _____
Date _____

In order to ensure fairness in the evaluation of proposals submitted in response to a Request for Proposals (RFP), it is very important that proposals be evaluated in an unbiased manner and without conflict of interest, and that the contents of proposals remain confidential throughout the evaluation process. You have been selected as an evaluator not only because of your managerial/technical expertise, but also because the Purchasing Coordinator and your supervisor are not aware of any bias, business or family relationships, or any other conflicts that could affect, or which could be perceived to affect, your fair, honest and impartial evaluation of the proposals. As a public employee you are expected to: 1) discharge your duties impartially so as to assure fair, competitive access to the City of Reading procurement by responsible contractors, and 2) conduct yourself in a manner which fosters public confidence in the integrity of the City's procurement process.

To provide needed assurance that no conflicts or bias exist, please read this document in its entirety, check all boxes, make any needed disclosures on Attachment A, sign it, make one copy for yourself and give the originally-signed copy to the Purchasing Coordinator.

Part I

No Foreseeable Conflict of Interest or Bias

☐ I acknowledge that I have been selected to participate as a member of the Evaluation Committee for the referenced RFP.

I certify that I:

☐ Am not a current or former employee of any of the firms in the industry that I would foresee as submitting a proposal, with the exception of

_____

[Identify any exceptions by name of business firm and complete Attachment A].

☐ Am not a director, officer, owner, partner, agent, or representative of any of the firms in the industry that I would foresee as submitting a proposal.

☐ Do not hold any stock or any financial interest in any of the firms in the industry that I would foresee as submitting a proposal, with the exception of

_____

[identify any exceptions by name of business firm and complete Attachment A].

I certify that, to the best of my knowledge, my spouse and my dependent children:

- ☐ Are not current employees of any firm in the industry that I would foresee as submitting a proposal.
- ☐ Are not directors, officers, owners or partners of any firm that I would foresee as submitting a proposal.
- ☐ Do not hold stock exceeding five percent of the equity at fair market value of any of the firms in the industry that I would foresee as submitting a proposal.

I certify that I will not:

- ☐ Solicit or accept, directly or indirectly, any promise of future employment or business opportunity from, or engage, directly or indirectly, in any discussion of future employment or business opportunity with, any director, officer, owner, partner, employee, representative, agent or consultant of an offeror that submits a proposal, or their proposed subcontractors.
- ☐ Ask for, demand, exact, solicit, seek, accept, receive, or agree to receive, directly or indirectly, any money, gratuity, or other thing of value from any director, officer, owner, partner, employee, representative, agent, or consultant of an offeror that submits a proposal, or their proposed subcontractors for this project. I will advise my immediate family that the acceptance of any such gratuity may be imputed to me as a violation, and must therefore be avoided by them.
- ☐ I understand that my obligations under this certification are of a continuing nature. If at any time during the RFP process I receive a contact from an offeror that submits a proposal, or their proposed subcontractors, concerning employment or other business opportunity, the offer of a gift from an offeror that submits a proposal, or their proposed subcontractors, or I encounter circumstances where my participation might result in a real, apparent, or potential conflict, I will immediately seek the advice of the Purchasing Coordinator and Solicitor and report the circumstances to my supervisor.

Part II Confidentiality

- ☐ I certify that I will not divulge nor make known, in any manner whatsoever, to any person, other than a member of the RFP evaluation committee or other individual who has signed a copy of this Confidentiality Statement for the same acquisition, any information pertaining to any and all aspects of the RFP (which has not already been made available to the public or all interested offerors) including but not limited to: the contents of offerors' proposals, the scoring method, points allotted, evaluator scores, costs, or any other confidential information regarding the RFP process.

☐ I understand that unauthorized sharing of information may have the result of giving an offeror an unfair advantage over another offeror and thereby render the process invalid.

☐ I understand that any persons who divulge such information may be subject to disciplinary action, including termination of their employment with the City if the individual is a City employee. If the individual is the employee of a consultant, the consultant may be requested to remove the employee from the project and the contract for the consultant may be terminated.

Part III Signature and Certification

☐ I have read and completed the acknowledgement, certifications and understanding contained in *Part I, No Foreseeable Conflict of Interest or Bias*, and fully understand them. I have read and completed the certification and understandings contained in *Part II, Confidentiality*, and fully understand them. I further understand that I make the acknowledgement and certifications and confirm the understandings herein subject to the provisions and penalties of *18 Pa.C.S. Section 4904 (unsworn falsification to authorities).*

_____ _____
Signature Date

_____ _____
Name RFP Name

This statement must be signed by every member of the RFP evaluation committee and every other individual that requires non-public information on this RFP. The Purchasing Coordinator shall direct any question/exception/unchecked box/disclosure to the City Solicitor for advice.

ATTACHMENT A
DISCLOSURE STATEMENT

List any prior employment with any of the firms in the industry who may potentially submit proposals for this RFP. Include dates of employment and position held:

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List any direct or indirect financial interest or any other beneficial interest with any of the firms in the industry who may potentially submit proposals for this RFP.

_____
_____

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_____

Appendix 2
CONTRACT FOR PROFESSIONAL SERVICES

This agreement is made and entered into as of the _____ of _____, 20__ between the City of Reading (hereinafter referred to as the "City", and Insert Vendor Here., hereinafter referred to as the "Contractor".

In consideration of the mutual covenants and conditions herein contained the parties agree as follows:

SCOPE OF WORK

Define Scope of Work

DELIVERABLES

List all contract deliverables and their due dates.

3. TERM OF CONTRACT

The term of the Contract shall commence on Date (hereinafter the Effective Date) and shall end on Date (hereinafter the Expiration Date), subject to the other provisions of the Contract. The Contracting Officer shall issue a written Notice to Proceed to the Contractor directing the Contractor to start performance on a date which is on or after the Effective Date. The Contractor shall not start the performance of any work prior to the date set forth in the Notice to Proceed and the City shall not be liable to pay the Contractor for any service or work performed or expenses incurred before the date set forth in the Notice to Proceed. No City employee has the authority to verbally direct the commencement of any work under this Contract. The City reserves the right, upon notice to the Contractor, to extend the term of the Contract for up to three (3) months upon the same terms and conditions. This will be utilized to prevent a lapse in Contract coverage and only for the time necessary, up to three (3) months, to enter into a new contract.

4. INDEPENDENT CONTRACTOR

In performing the services required by the Contract, the Contractor will act as an independent contractor and not as an employee or agent of the City.

5. COMPLIANCE WITH LAW

The Contractor shall comply with all applicable federal and state laws and regulations and local ordinances in the performance of the Contract.

6. ENVIRONMENTAL PROVISIONS

In the performance of the Contract, the Contractor shall minimize pollution and shall strictly comply with all applicable environmental laws and regulations.

7. COMPENSATION/EXPENSES

The Contractor shall be required to perform the specified services at the price(s) quoted in the Contract, Appendix A. All services shall be performed within the time period(s) specified in the Contract. The Contractor shall be compensated only for work performed to the satisfaction of the City. The Contractor shall not be allowed or paid travel or per diem expenses except as specifically set forth in the Contract.

8. INVOICES

The Contractor shall submit monthly invoices to the City for services performed during each billing period. Invoices shall be forwarded to the following contact and address:

Name
City of Reading, Accounting Department
815 Washington Street, Room 2-51
Reading, PA 19601

Each invoice shall be under cover of a letter on the vendor's letterhead and itemized listing the services performed by date, hours worked, and by rate.

9. PAYMENT

The City shall put forth reasonable efforts to make payment by the required payment date. The required payment date is: (a) the date on which payment is due under the terms of the Contract; (b) thirty (30) days after a proper invoice actually is received at the "Provide Service and Bill To" address if a date on which payment is due is not specified in the Contract (a "proper" invoice is not received until the City accepts the service as satisfactorily performed); or (c) the payment date specified on the invoice if later than the dates established by (a) and (b) above. Payment may be delayed if the payment amount on an invoice is not based upon the price(s) as stated in the Contract. Payment should not be construed by the Contractor as acceptance of the service performed by the Contractor. The City reserves the right to conduct further testing and inspection after payment, but within a reasonable time after performance, and to reject the service if such post payment testing or inspection discloses a defect or a failure to meet specifications. The Contractor agrees that the City may set off the amount of any state tax liability or other obligation of the Contractor or its subsidiaries to the City against any payments due the Contractor under any contract with the City.

10. TAXES

The City is exempt from all excise taxes imposed by the Internal Revenue Service and has accordingly registered with the Internal Revenue Service to make tax free purchases. With the exception of purchases of the following items, no exemption certificates are required and none will be issued: undyed diesel fuel, tires, trucks, gas guzzler emergency vehicles, and sports fishing equipment. The City is also exempt from Pennsylvania state sales tax, local sales tax, public transportation assistance taxes and fees and vehicle rental tax. The Pennsylvania Department of Revenue regulations provide that exemption certificates are not required for sales made to governmental entities and none will be issued. Nothing in this paragraph is meant to exempt a construction contractor from the payment of any of these taxes or fees which are

required to be paid with respect to the purchase, use, rental, or lease of tangible personal property or taxable services used or transferred in connection with the performance of a construction contract.

11. WARRANTY

The Contractor warrants that all services performed by the Contractor, its agents and subcontractors shall be free and clear of any defects in workmanship or materials. Unless otherwise stated in the contract, all services and parts are warranted for a period of one year following completion of performance by the Contractor and acceptance by the City. The Contractor shall correct any problem with the service and/or replace any defective part with a part of equivalent or superior quality without any additional cost to the City.

12. PATENT, COPYRIGHT, AND TRADEMARK INDEMNITY

The Contractor warrants that it is the sole owner or author of, or has entered into a suitable legal agreement concerning either: a) the design of any product or process provided or used in the performance of the Contract which is covered by a patent, copyright, or trademark registration or other right duly authorized by state or federal law or b) any copyrighted matter in any report document or other material provided to the City under the contract. The Contractor shall defend any suit or proceeding brought against the City on account of any alleged patent, copyright or trademark infringement in the United States of any of the products provided or used in the performance of the Contract. This is upon condition that the City shall provide prompt notification in writing of such suit or proceeding; full right, authorization and opportunity to conduct the defense thereof; and full information and all reasonable cooperation for the defense of same. As principles of governmental or public law are involved, the City may participate in or choose to conduct, in its sole discretion, the defense of any such action. If information and assistance are furnished by the City at the Contractor's written request, it shall be at the Contractor's expense, but the responsibility for such expense shall be only that within the Contractor's written authorization. The Contractor shall indemnify and hold the City harmless from all damages, costs, and expenses, including attorney's fees that the Contractor or the City may pay or incur by reason of any infringement or violation of the rights occurring to any holder of copyright, trademark, or patent interests and rights in any products provided or used in the performance of the Contract. If any of the products provided by the Contractor in such suit or proceeding are held to constitute infringement and the use is enjoined, the Contractor shall, at its own expense and at its option, either procure the right to continue use of such infringement products, replace them with non-infringement equal performance products or modify them so that they are no longer infringing. If the Contractor is unable to do any of the preceding, the Contractor agrees to remove all the equipment or software which are obtained contemporaneously with the infringing product, or, at the option of the City, only those items of equipment or software which are held to be infringing, and to pay the City: 1) any amounts paid by the City towards the purchase of the product, less straight line depreciation; 2) any license fee paid by the City for the use of any software, less an amount for the period of usage; and 3) the pro rata portion of any maintenance fee representing the time remaining in any period of maintenance paid for. The obligations of the Contractor under this paragraph continue without time limit. No costs or expenses shall be incurred for the account of the Contractor without its written consent.

13. OWNERSHIP RIGHTS

The City shall have unrestricted authority to reproduce, distribute, and use any submitted report, data, or material, and any software or modifications and any associated documentation that is designed or developed and delivered to the City as part of the performance of the Contract.

14. ASSIGNMENT OF ANTITRUST CLAIMS

The Contractor and the City recognize that in actual economic practice, overcharges by the Contractor's suppliers resulting from violations of state or federal antitrust laws are in fact borne by the City. As part of the consideration for the award of the Contract, and intending to be legally bound, the Contractor assigns to the City all right, title and interest in and to any claims the Contractor now has, or may acquire, under state or federal antitrust laws relating to the products and services which are the subject of this Contract.

15. HOLD HARMLESS PROVISION

The Contractor shall hold the City harmless from and indemnify the City against any and all claims, demands and actions based upon or arising out of any activities performed by the Contractor and its employees and agents under this Contract and shall, at the request of the City, defend any and all actions brought against the City based upon any such claims or demands.

16. AUDIT PROVISIONS

The City shall have the right, at reasonable times and at a site designated by the City, to audit the books, documents and records of the Contractor to the extent that the books, documents and records relate to costs or pricing data for the Contract. The Contractor agrees to maintain records which will support the prices charged and costs incurred for the Contract. The Contractor shall preserve books, documents, and records that relate to costs or pricing data for the Contract for a period of three (3) years from date of final payment. The Contractor shall give full and free access to all records to the City and/or their authorized representatives.

17. DEFAULT

A. The City may, subject to the provisions of Paragraph 18, Force Majeure, and in addition to its other rights under the Contract, declare the Contractor in default by written notice thereof to the Contractor, and terminate (as provided in Paragraph 19, Termination Provisions) the whole or any part of this Contract for any of the following reasons:

    1. Failure to begin work within the time specified in the Contract or as otherwise specified;

    2. Failure to perform the work with sufficient labor, equipment, or material to insure the completion of the specified work in accordance with the Contract terms;

    3. Unsatisfactory performance of the work;

4. Failure or refusal to remove material, or remove and replace any work rejected as defective or unsatisfactory;

5. Discontinuance of work without approval;

6. Failure to resume work, which has been discontinued, within a reasonable time after notice to do so;

7. Insolvency or bankruptcy;

8. Assignment made for the benefit of creditors;

9. Failure or refusal within 10 days after written notice by the Contracting Officer, to make payment or show cause why payment should not be made, of any amounts due for materials furnished, labor supplied or performed, for equipment rentals, or for utility services rendered;

10. Failure to protect, to repair, or to make good any damage or injury to property; or

11. Breach of any provision of this Contract.

B. In the event that the City terminates this Contract in whole or in part as provided in Subparagraph A. above, the City may procure, upon such terms and in such manner as it determines, services similar or identical to those so terminated, and the Contractor shall be liable to the City for any reasonable excess costs for such similar or identical services included within the terminated part of the Contract.

C. If the Contract is terminated as provided in Subparagraph A. above, the City, in addition to any other rights provided in this paragraph, may require the Contractor to transfer title and deliver immediately to the City in the manner and to the extent directed by the Issuing Office, such partially completed work, including, where applicable, reports, working papers and other documentation, as the Contractor has specifically produced or specifically acquired for the performance of such part of the Contract as has been terminated. Except as provided below, payment for completed work accepted by the City shall be at the Contract price. Except as provided below, payment for partially completed work including, where applicable, reports and working papers, delivered to and accepted by the City shall be in an amount agreed upon by the Contractor and Contracting Officer. The City may withhold from amounts otherwise due the Contractor for such completed or partially completed works, such sum as the Contracting Officer determines to be necessary to protect the City against loss.

D. The rights and remedies of the City provided in this paragraph shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

E. The City's failure to exercise any rights or remedies provided in this paragraph shall not be construed to be a walver by the City of its rights and remedies in regard to the event of default or any succeeding event of default.

18. FORCE MAJEURE

Neither party will incur any liability to the other if its performance of any obligation under this Contract is prevented or delayed by causes beyond its control and without the fault or negligence of either party. Causes beyond a party's control may include, but aren't limited to, acts of God or war, changes in controlling law, regulations, orders or the requirements of any governmental entity, severe weather conditions, civil disorders, natural disasters, fire, epidemics and quarantines, general strikes throughout the trade, and freight embargoes.

The Contractor shall notify the City orally within five (5) days and in writing within ten (10) days of the date on which the Contractor becomes aware, or should have reasonably become aware, that such cause would prevent or delay its performance. Such notification shall (i) describe fully such cause(s) and its effect on performance, (ii) state whether performance under the contract is prevented or delayed and (iii) if performance is delayed, state a reasonable estimate of the duration of the delay. The Contractor shall have the burden of proving that such cause(s) delayed or prevented its performance despite its diligent efforts to perform and shall produce such supporting documentation as the City may reasonably request. After receipt of such notification, the City may elect either to cancel the Contract or to extend the time for performance as reasonably necessary to compensate for the Contractor's delay.

In the event of a declared emergency by competent governmental authorities, the City by notice to the Contractor, may suspend all or a portion of the Contract.

19. TERMINATION PROVISIONS

The City has the right to terminate this Contract for any of the following reasons. Termination shall be effective upon written notice to the Contractor.

A. TERMINATION FOR CONVENIENCE: The City shall have the right to terminate the Contract for its convenience if the City determines termination to be in its best interest. The Contractor shall be paid for work satisfactorily completed prior to the effective date of the termination, but in no event shall the Contractor be entitled to recover loss of profits.

B. NON-APPROPRIATION: The City's obligation to make payments during any City fiscal year succeeding the current fiscal year shall be subject to availability and appropriation of funds. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal year period, the City shall have the right to terminate the contract. The contractor shall be reimbursed for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the supplies or services delivered under this contract. Such reimbursement shall not include loss of profit, loss of use of money, or administrative or overhead costs. The reimbursement amount may be paid for any appropriations available for that purpose.

C. TERMINATION FOR CAUSE: The City shall have the right to terminate the Contract for Contractor default under Paragraph 17, Default, upon written notice to the Contractor. The City shall also have the right, upon written notice to the

Contractor, to terminate the Contract for other cause as specified in this Contract or by law. If it is later determined that the City erred in terminating the Contract for cause, then, at the City's discretion, the Contract shall be deemed to have been terminated for convenience under the Subparagraph 19.a.

20. CONTRACT CONTROVERSIES

A. In the event of a controversy or claim arising from the Contract, the Contractor must, within six months after the cause of action accrues, file a written claim with the contracting officer for a determination. The claim shall state all grounds upon which the Contractor asserts a controversy exists. If the Contractor fails to file a claim or files an untimely claim, the Contractor is deemed to have waived its right to assert a claim in any forum.

B. The contracting officer shall review timely-filed claims and issue a final determination, in writing, regarding the claim. The final determination shall be issued within 120 days of the receipt of the claim, unless extended by consent of the contracting officer and the Contractor. The contracting officer shall send his/her written determination to the Contractor. If the contracting officer fails to issue a final determination within the 120 days (unless extended by consent of the parties), the claim shall be deemed denied. The contracting officer's determination shall be the final order of the purchasing agency.

21. ASSIGNABILITY AND SUBCONTRACTING

A. Subject to the terms and conditions of this Paragraph 21, this Contract shall be binding upon the parties and their respective successors and assigns.

B. The Contractor shall not subcontract with any person or entity to perform all or any part of the work to be performed under this Contract without the prior written consent of the Contracting Officer, which consent may be withheld at the sole and absolute discretion of the Contracting Officer.

C. The Contractor may not assign, in whole or in part, this Contract or its rights, duties, obligations, or responsibilities hereunder without the prior written consent of the Contracting Officer, which consent may be withheld at the sole and absolute discretion of the Contracting Officer.

D. Notwithstanding the foregoing, the Contractor may, without the consent of the Contracting Officer, assign its rights to payment to be received under the Contract, provided that the Contractor provides written notice of such assignment to the Contracting Officer together with a written acknowledgement from the assignee that any such payments are subject to all of the terms and conditions of this Contract.

E. For the purposes of this Contract, the term "assign" shall include, but shall not be limited to, the sale, gift, assignment, pledge, or other transfer of any ownership interest in the Contractor provided, however, that the term shall not apply to the sale or other transfer of stock of a publicly traded company.

F. Any assignment consented to by the Contracting Officer shall be evidenced by a written assignment agreement executed by the Contractor and its assignee in which the assignee agrees to be legally bound by all of the terms and conditions of the Contract and to assume the duties, obligations, and responsibilities being assigned.

G. A change of name by the Contractor, following which the Contractor's federal identification number remains unchanged, shall not be considered to be an assignment hereunder. The Contractor shall give the Contracting Officer written notice of any such change of name.

22. NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE

During the term of the Contract, the Contractor agrees as follows:

A. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the contract or any subcontract, the Contractor, each subcontractor, or any person acting on behalf of the Contractor or subcontractor shall not, by reason of gender, race, creed, or color, discriminate against any citizen of this City who is qualified and available to perform the work to which the employment relates.

B. Neither the Contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against or intimidate any employee involved in the manufacture of supplies, the performance of work, or any other activity required under the contract on account of gender, race, creed, or color.

C. The Contractor and each subcontractor shall establish and maintain a written sexual harassment policy and shall inform their employees of the policy. The policy must contain a notice that sexual harassment will not be tolerated and employees who practice it will be disciplined.

D. The Contractor and each subcontractor shall not discriminate by reason of gender, race, creed, or color against any subcontractor or supplier who is qualified to perform the work to which the contract relates.

E. The Contractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subcontract so that those provisions applicable to subcontractors will be binding upon each subcontractor.

23. CONTRACTOR INTEGRITY PROVISIONS

It is essential that those who seek to contract with the City observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the City procurement process. In furtherance of this policy, Contractor agrees to the following:

A. Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that governs contracting with the City.

B. Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to Contractor employee activity with the City and City employees, and which is distributed and made known to all Contractor employees.

C. Contractor, its affiliates, agents and employees shall not influence, or attempt to influence, any City employee to breach the standards of ethical conduct for City employees set forth in the City of Reading Code of Ethics, available on the City's website at ReadingPA.gov and *Public Official and Employees Ethics Act, 65 Ph.C.'s. §§ 1101 et seq.;* the *State Adverse Interest Act, 71 P.S. § 776.1 et seq.;* or to breach any other local, state or federal law or regulation.

D. Contractor, its affiliates, agents and employees shall not offer, give, or agree or promise to give any gratuity to a City official or employee or to any other person at the direction or request of any City official or employee.

E. Contractor, its affiliates, agents and employees shall not offer, give, or agree or promise to give any gratuity to a City official or employee or to any other person, the acceptance of which would violate any statute, regulation, statement of policy, management directive or any other published standard of the City or Commonwealth of Pennsylvania.

F. Contractor, its affiliates, agents, employees, or anyone in privity with him or her shall not accept or agree to accept from any person, any gratuity in connection with the performance of work under the contract, except as provided in the contract.

G. Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material on this project, unless the financial interest is disclosed to the City in writing and the City consents to Contractor's financial interest prior to City's execution of the contract. Contractor shall disclose the financial interest to the City at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

H. Contractor, its affiliates, agents and employees shall not disclose to others any information, documents, reports, data, or records provided to, or prepared by, Contractor under this contract without the prior written approval of the City, except as required by the *Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104,* or other applicable law or as otherwise provided in this contract. Any information, documents, reports, data, or records secured by Contractor from the City or a third party in connection with the performance of this contract shall be kept confidential unless disclosure of such information is:

1. Approved in writing by the City prior to its disclosure; or

2. Directed by a court or other tribunal of competent jurisdiction unless the contract requires prior City approval; or

3. Required for compliance with federal or state securities laws or the requirements of national securities exchanges; or

4. Necessary for purposes of Contractor's internal assessment and review; or

5. Deemed necessary by Contractor in any action to enforce the provisions of this contract or to defend or prosecute claims by or against parties other than the City; or

6. Permitted by the valid authorization of a third party to whom the information, documents, reports, data, or records pertain; or

7. Otherwise required by law.

J. Contractor certifies that neither it nor any of its officers, directors, associates, partners, limited partners or individual owners has been officially notified of, charged with, or convicted of any of the following and agrees to immediately notify the City contracting officer in writing if and when it or any officer, director, associate, partner, limited partner or individual owner has been officially notified of, charged with, convicted of, or officially notified of a governmental determination of any of the following:

1. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.

2. Commission of fraud or a criminal offense or other improper conduct or knowledge of, approval of or acquiescence in such activities by Contractor or any affiliate, officer, director, associate, partner, limited partner, individual owner, or employee or other individual or entity associated with:

   A. obtaining;

   B. attempting to obtain; or

   C. performing a public contract or subcontract.

Contractor's acceptance of the benefits derived from the conduct shall be deemed evidence of such knowledge, approval or acquiescence.

3. Violation of federal or state antitrust statutes.

4. Violation of any federal or state law regulating campaign contributions.

5. Violation of any federal or state environmental law.

6. Violation of any federal or state law regulating hours of labor, minimum wage standards or prevailing wage standards; discrimination in wages; or child labor violations.

7. Violation of the *Act of June 2, 1915 (P.L.736, No. 338),* known as the *Workers' Compensation Act, 77* P.S. 1 *et seq.*

8. Violation of any federal, state, or City law prohibiting discrimination in employment.

9. Disbarment by any agency or department of the federal government or by any other state.

10. Any other crime involving moral turpitude or business honesty or integrity.

Contractor acknowledges that the City may, in its sole discretion, terminate the contract for cause upon such notification or when the City otherwise learns that Contractor has been officially notified, charged, or convicted.

K. When Contractor has reason to believe that any breach of ethical standards as set forth in law or in these provisions has occurred or may occur, including but not limited to contact by a City officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the City contracting officer or City Solicitor in writing.

L. Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these contractor integrity provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract.

M. Contractor shall cooperate with the City Solicitor in its investigation of any alleged City employee breach of ethical standards and any alleged Contractor non-compliance with these provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of the City Solicitor, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the City Solicitor to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refers to or concern this contract.

N. For violation of any of these Contractor Integrity Provisions, the City may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to

complete performance under this contract, and disbar and suspend Contractor from doing business with the City. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the City may have under law, statute, regulation, or otherwise.

O. For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Paragraph.

1. "Confidential information" means information that a) is not already in the public domain; b) is not available to the public upon request; c) is not or does not become generally known to Contractor from a third party without an obligation to maintain its confidentiality; d) has not become generally known to the public through an act or omission of Contractor; or e) has not been independently developed by Contractor without the use of confidential information of the City.

2. "Consent" means written permission signed by a duly authorized officer or employee of the City, provided that where the material facts have been disclosed, in writing, by pre-qualification, bid, proposal, or contractual terms, the City shall be deemed to have consented by virtue of execution of this contract.

3. "Contractor" means the individual or entity that has entered into this contract with the City, including those directors, officers, partners, managers, and owners having more than a five percent interest in Contractor.

4. "Financial interest" means:

   A. Ownership of more than a five percent interest in any business; or

   B. Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

5. "Gratuity" means tendering, giving or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind.

6. "Immediate family" means a spouse and any unemancipated child.

7. "Non-bid basis" means a contract awarded or executed by the City with Contractor without seeking bids or proposals from any other potential bidder or offeror.

8. "Political contribution" means any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing, to a candidate for public office or to a political

committee, including but not limited to a political action committee, made for the purpose of influencing any election in the City of Reading or for paying debts incurred by or for a candidate or committee before or after any election.

24. CONTRACTOR RESPONSIBILITY PROVISIONS

A. The Contractor certifies, for itself and all its subcontractors, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any subcontractors, nor any suppliers are under suspension or disbarment by the City or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid, a written explanation of why such certification cannot be made.

B. The Contractor also certifies, that as of the date of its execution of this Bid/Contract, it has no tax liabilities or other City obligations.

C. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the City if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other City obligations, or if it or any of its subcontractors are suspended or disbarred by the City, the Commonwealth of Pennsylvania, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or disbarment.

D. The failure of the Contractor to notify the City of its suspension or disbarment by the City, Commonwealth of Pennsylvania, any other state, or the federal government shall constitute an event of default of the Contract with the City.

E. The Contractor agrees to reimburse the City for the reasonable costs of investigation incurred by the City Solicitor for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the City, which results in the suspension or disbarment of the Contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or disbarment.

25. AMERICANS WITH DISABILITIES ACT

A. Pursuant to federal regulations promulgated under the authority of The Americans With Disabilities Act, 28 C.F.R. § 35.101 et seq., the Contractor understands and agrees that it shall not cause any individual with a disability to be excluded from participation in this Contract or from activities provided for under this Contract on the basis of the disability. As a condition of accepting this contract, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C.F.R. § 35.130, and all other regulations promulgated under Title II of The Americans With Disabilities Act which are applicable to all benefits, services, programs, and

activities provided by the City of Reading through contracts with outside contractors.

B. The Contractor shall be responsible for and agrees to indemnify and hold harmless the City of Reading from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the City of Reading as a result of the Contractor's failure to comply with the provisions of Subparagraph A above.

26. COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure the Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the City shall have the right to terminate the Contract without liability or in its discretion to deduct from the Contract price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

27. APPLICABLE LAW

This Contract shall be governed by and interpreted and enforced in accordance with the laws of the City of Reading and of the Commonwealth of Pennsylvania (without regard to any conflict of laws provisions) and the decisions of the Pennsylvania courts. The Contractor consents to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. The Contractor agrees that any such court shall have in personam jurisdiction over it, and consents to service of process in any manner authorized by Pennsylvania law.

28. INTEGRATION

The Contract, including all referenced documents, constitutes the entire agreement between the parties. No agent, representative, employee or officer of either the City or the Contractor has authority to make, or has made, any statement, agreement or representation, oral or written, in connection with the Contract, which in any way can be deemed to modify, add to or detract from, or otherwise change or alter its terms and conditions. No negotiations between the parties, nor any custom or usage, shall be permitted to modify or contradict any of the terms and conditions of the Contract. No modifications, alterations, changes, or waiver to the Contract or any of its terms shall be valid or binding unless accomplished by a written amendment signed by both parties. All such amendments will be made using the appropriate City form.

29. CHANGE ORDERS

The City reserves the right to issue change orders at any time during the term of the Contract or any renewals or extensions thereof: 1) to increase or decrease the quantities resulting from variations between any estimated quantities in the Contract and actual quantities; 2) to make changes to the services within the scope of the Contract; 3) to notify the Contractor that the City is exercising any Contract renewal or extension option; or 4) to modify the time of performance

that does not alter the scope of the Contract to extend the completion date beyond the Expiration Date of the Contract or any renewals or extensions thereof. Any such change order shall be in writing signed by the Contracting Officer. The change order shall be effective as of the date appearing on the change order, unless the change order specifies a later effective date. Such increases, decreases, changes, or modifications will not invalidate the Contract, nor, if performance security is being furnished in conjunction with the Contract, release the security obligation. The Contractor agrees to provide the service in accordance with the change order. Any dispute by the Contractor in regard to the performance required under any change order shall be handled through Paragraph 19, "Contract Controversies".

For purposes of this Contract, "change order" is defined as a written order signed by the Contracting Officer directing the Contractor to make changes authorized under this clause.

30. RIGHT TO KNOW LAW 8-K-1532

A. The Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL") applies to this Contract. For the purpose of these provisions, the term "the City" shall refer to the City of Reading.

B. If the City needs the Contractor's assistance in any matter arising out of the RTKL related to this Contract, it shall notify the Contractor using the legal contact information provided in this Contract. The Contractor, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the City.

C. Upon written notification from the City that it requires the Contractor's assistance in responding to a request under the RTKL for information related to this Contract that may be in the Contractor's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), the Contractor shall:

1. Provide the City, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in the Contractor's possession arising out of this Contract that the City reasonably believes is Requested Information and may be a public record under the RTKL; and

2. Provide such other assistance as the City may reasonably request, in order to comply with the RTKL with respect to this Contract.

D. If the Contractor considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that the Contractor considers exempt from production under the RTKL, the Contractor must notify the City and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of the Contractor explaining why the requested material is exempt from public disclosure under the RTKL.

E. The City will rely upon the written statement from the Contractor in denying a RTKL request for the Requested Information unless the City of Reading determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the City determine that the Requested Information is clearly not exempt from disclosure, the Contractor shall provide the Requested Information within five (5) business days of receipt of written notification of the City's determination.

F. If the Contractor fails to provide the Requested Information within the time period required by these provisions, the Contractor shall indemnify and hold the City harmless for any damages, penalties, costs, detriment or harm that the City may incur as a result of the Contractor's failure, including any statutory damages assessed against the City.

G. The City will reimburse the Contractor for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Commonwealth of Pennsylvania Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

H. The Contractor may file a legal challenge to any City decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, the Contractor shall indemnify the City for any legal expenses incurred by the City as a result of such a challenge and shall hold the City harmless for any damages, penalties, costs, detriment or harm that the City may incur as a result of the Contractor's failure, including any statutory damages assessed against the City, regardless of the outcome of such legal challenge. As between the parties, the Contractor agrees to waive all rights or remedies that may be available to it as a result of the City's disclosure of Requested Information pursuant to the RTKL.

I. The Contractor's duties relating to the RTKL are continuing duties that survive the expiration of this Contract and shall continue as long as the Contractor has Requested Information in its possession.

IN WITNESS WHEREOF, the CITY OF READING, and VENDOR, have caused this Contract to be executed on the date and year first above written.

VENDOR

By: _____

Title: _____

By: _____
City Solicitor

WITNESS

_____
City Clerk

CITY OF READING

By: _____

Managing Director

CONTRACT APPENDIX A
BUDGET AND BILLING

Describe Contract Budget and Specific Billing Terms and Conditions Here.

REQUEST FOR PROPOSALS

RFP Title

CITY OF READING

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PURPOSE

The City of Reading (the City) is requesting proposals from vendors for the purpose of supplying, installing and maintaining the City Hall Access Control System.

PROPOSAL SUBMISSION

The original proposal, one (1) printed copy, and one (1) electronic copy on compact disc shall be submitted in a sealed envelope that shall plainly indicate on it the title of the proposal and the date for receiving. This shall be delivered to the City Purchasing Coordinator, Room 2-45, City Hall, 815 Washington Street, Reading, PA, until 3:00 P.M., prevailing time on Thursday, March 14, 2013. The envelope shall be clearly labeled as RFP for City Hall Access Control System.

Proposals received at the Office of the Purchasing Coordinator after the hour specified will not be considered. Proposers are invited to be present at the RFP opening.

PRE-PROPOSAL CONFERENCE

A mandatory pre-bid conference will be held on February 20, 2013 at 10 A.M. To facilitate the clarification of requirements, proposers are requested to submit, in writing, any questions they may have by 10:00 A.M. on Wednesday, February 27, 2013. Any interpretation made to prospective proposers, will be expressed in the form of an addendum which, if issued, will be conveyed in writing to all prospective proposers no later than 2:00 P.M. on Wednesday, March 6, 2013.

PROPOSER'S CLARIFICATION

By submitting a proposal, the proposer certifies that the RFP has been fully read and that the proposer understands the proposal method and has full knowledge of the scope, nature and quality of work to be performed.

INSURANCE

The Successful Proposer, at the time of execution of the contract, shall also furnish the City with insurance certificates of adequate limits, as later indicated, to protect the City of Reading, its agents, and employees from any litigation involving Worker's Compensation, Public Liability and Property Damage, involved in the work. All subcontractors must also furnish copies of their liability insurance and Worker's Compensation Insurance certificates to the City. No subcontractor will be allowed to perform any work under this contract by the City unless such certificates are submitted to and approved by the City beforehand.

WORKER'S COMPENSATION AND PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE

The status of the Proposer in the work to be performed is that of any independent Proposer and as such, he shall properly safeguard against any and all injury or damage to the public, to public and private property, materials and things, and as such he alone shall be responsible for any and

all damage, loss or injury to persons or property that may arise, or be incurred, in or during the conduct or progress of said work without regard to whether or not the Proposer, subcontractors, agents, or employees have been negligent, and the Proposer shall keep the City free and discharged of and from any and all responsibility and liability therefore of any sort or kind. The Proposer shall assume all responsibility for risks or casualties of every description, for any or all damage, loss or injury to persons or property arising out of the nature of the work from the action of the elements, or from any unforeseen or unusual difficulty, including all legal defense costs incurred by the City. The Proposer shall assume and be liable for all blame and loss of whatsoever nature by reason of neglect or violation of any Federal, State, County or Local laws, regulations, or ordinances; the Proposer shall indemnify and hold harmless the City from all suits or actions at law of any kind whatsoever in connection with this work and shall if required by the City, produce evidence of settlement of any such action before final payment shall be made the City. Proposer's Liability Insurance Certificate shall include the hold harmless clause and shall be filed with the City.

The Proposer shall maintain such insurance as will protect the proposer from claims under worker's compensation acts and from claims for damages because of bodily injury, including death, and property damage, which may arise from and during operations under this Contract, whether such operations be by himself, by any subcontractor or anyone directly, or indirectly employed by either of them. Proposer's liability insurance shall be in the names of the Proposer and the City as their respective interests may appear. Each policy and Certificate of Insurance shall contain an endorsement naming the City of Reading as additionally insured. Certificates of such insurance shall be filed with the City.

The minimum amount of liability insurance to be maintained by the Contractor during the life of the contract shall be as follows:

Comprehensive General Liability - for bodily injury and property damage - including any liability normally covered by a general liability policy with limits of not less than $1,000,000 per occurrence and $2,000,000 in the annual aggregate.

Professional Liability - in minimum amounts of $1,000,000 per occurrence and $2,000,000 aggregate.

Prior to commencement of performance of this Agreement, Contractor shall furnish to the City a certificate of insurance evidencing all required coverage in at least the limits required herein, **naming the City of Reading, its elected officials, agents, and employees as additional insureds under the Comprehensive General Liability coverage,** and providing that no policies may be modified or cancelled without thirty (30) days advance written notice to the City. Such certificate shall be issued to: **City of Reading, 815 Washington Street, Reading, PA 19601.** All policies shall be in effect with companies holding an A.M. Best rating of "A-" or better and shall be licensed to do business in the Commonwealth of Pennsylvania. Such companies shall also be acceptable to the City.

Please forward a certificate of insurance verifying these insurance requirements.

All subcontractors performing work under this contract must furnish to the City a copy if their Certificate of Insurance for Worker's Compensation and liability for bodily injury and property damage.

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this Contract, the Proposer agrees as follows:

The Proposer will not discriminate against any employees or applicant for employment because of race, color, religion, sex, or national origin. The Proposer will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Proposer agrees to post in conspicuous places, available to employees and applicants for employment, notices which may be provided by the City setting forth the provisions of this nondiscrimination clause.

The Proposer will, in all solicitations or advertisements for employees placed by or on behalf of the Proposer, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

In the event of the Proposer's noncompliance with the non-discrimination clauses of this Contract or with any of the said rules, regulations, or orders, this Contract may be canceled, terminated, or suspended in whole, or in part and the Proposer may be declared ineligible for further City contracts.

The Proposer will include the provisions of these paragraphs in every subcontract or purchase order unless exempted.

EMPLOYMENT OF CERTAIN PERSONS PROHIBITED

No person who is or has serving/served sentence in a penal or correctional institution or has been found guilty or plead guilty or no contest for any type of theft shall be employed on the work covered by this Contract.

ALTERATIONS OR MODIFICATIONS

This contract will be under the direct supervision of the Director, Administrative Services or their designated representative. Any alterations or modifications of the work performed under this contract shall be made only by written agreement between the Proposer and the Director of Administrative Services or their designated representative, and shall be made prior to commencement of the altered or modified work. No claims for extra work or materials shall be allowed unless covered by written agreement.

SUBCONTRACTS

The Proposer will not be allowed to subcontract work under this contract unless written approval is granted by the City Purchasing Coordinator.

RIGHT TO AUDIT RECORDS

The City shall be entitled to audit the books and records of a proposer or any sub-proposer to the extent that such books and records relate to or affect the performance of such contract or sub-contract. Such books and records shall be maintained by the proposer for a period of three (3) years from the date of final payment under the prime contract and by the sub-proposer for a period of three (3) years from the date of final payment under the sub-contract unless a shorter period is otherwise authorized in writing.

The City of Reading is tax exempt.

DISSEMINATION OF INFORMATION

During the term of the resulting contract, the successful proposer may not release any information related to the services or performance of services under the contract, nor publish any report or documents relating to the City, the account or performance of services under the agreement without prior written consent of the City; and shall indemnify and hold harmless the City, its officers, agents, and employees from all liability which may be incurred by reason of dissemination, publication and distribution, or circulation, in any manner whatsoever, of any information, data, documents, or material pertaining to the City, the account or the contract by the proposer or its agents or employees.

BUSINESS PRIVILEGE TAX

The City of Reading imposes a Business Privilege License, currently at $55.00 per calendar year. In addition, a Business Privilege Tax is imposed at the rate of 2 1/4 mills upon the gross receipts attributable to business conducted within the City of Reading.

PERMITS/LICENSES

The Proposer shall, at their expense, pay all fees and procure all necessary licenses and permits needed to conduct the work required under the terms of this contract. The Proposer shall give any and all necessary formal notices required in conjunction with the lawful prosecution of the work of this contract.

OBSERVANCE OF LAWS, ORDINANCES AND REGULATIONS

The Proposer at all times during the term of this contract shall observe and abide by all Federal, State, and Local laws which in any way affect the conduct of the work and shall comply with all decrees and orders of courts of competent jurisdiction. The Proposer shall comply fully and completely with any and all applicable State and Federal statutes, rules and regulations as they relate to hiring, wages, and any other applicable conditions of employment.

WITHDRAWAL OF PROPOSALS

Proposers will be given permission to withdraw any proposals after they have been received by the City's Purchasing Coordinator at his/her office, provided said request is in writing and properly signed or by telegram and is received at least two (2) hours prior to the time and date set for the opening. Request by telegram must be confirmed in writing, properly signed, which must be delivered within twenty-four (24) hours of the time and date set for the opening. No proposals may be withdrawn for a period of ninety (90) days following the formal opening and receipt of proposals by the City of Reading.

PROPOSAL REJECTION

The City of Reading reserves the right to reject any or all proposals and to accept or reject any part of any proposal. It also reserves the right to waive any technical defects or minor irregularities, which in its discretion, is in the best interest of the City.

EXECUTION OF CONTRACT

The successful Proposer shall, within ten (10) calendar days after mailing of contract documents by the City to the Principal, enter into contract with the City.

The contract, along with this RFP, its attachments and addendums, when executed, shall be deemed to include the entire agreement between the parties; the Proposer shall not base any claim for modification of the contract upon any prior representation or promise made by the representatives of the City, or other persons.

CONTRACT TERMINATION

The City shall have the right to terminate a contract or a part thereof before the work is completed in the event:

A. Previous unknown circumstances arise making it desirable in the public interest to void the contract.

B. The proposer is not complying with the specifications.

C. The proposer refuses, neglects, or fails to supply properly trained or skilled supervisory personnel and/or workers or proper equipment.

D. The proposer in the judgment of the City is unnecessarily or willfully delaying the performance and completion of the work.

E. The proposer refuses to proceed with work when and as directed by the City.

F. The proposer abandons the work or fails to provide timely reports and revenue to the City demonstrating effective and fair collection efforts.

G. The proposer fails to adhere to the policies and procedures of the Fair Debt Collections Practices Act.

Proposers who have questions concerning various aspects of this Contract should contact the following person:

Tammi Reinhart, Purchasing Coordinator
City Hall, 815 Washington Street
Reading, PA 19601-3690
Phone 610/655-6207
FAX 610/655-6427
Tammi.reinhart@readingpa.org

SCOPE OF SERVICES

1. Scope of needed services

FORM OF PROPOSAL

All proposers shall be aware that the RFP and the responses thereto are in the public domain; therefore, proposers shall identify specifically any information contained in the proposal which is to be considered confidential or proprietary and exempt from disclosure. Blanket statements that entire submittals are confidential shall be unacceptable.

All proposals will become the exclusive property of the City and will not be returned.

Proposals shall be prepared simply and economically, providing a straightforward, concise description of the proposer's ability to fulfill the requirements of the Request for Proposal. In order to insure a uniform review process and to obtain the maximum degree of comparability, it is required that proposals be organized in the manner specified.

Title Page

Show the name of proposer's agency/firm, address, telephone number, name of person authorized to obligate the firm, date, and the subject: REQUEST FOR PROPOSALS - City Hall Access Control System

Table of Contents

Include a clear identification of the material by section and by page number.

Letter of Transmittal

Limit to one or two pages briefly stating the proposer's understanding of the work to be done and making a positive commitment to perform the work. Give the names of the persons who will be authorized to make representations for the proposer, their titles, mailing addresses, telephone numbers and email addresses.

General Information

Name of business
Mailing address/phone & fax number
Name of person to contact
Business hours of business
State if business is local, national, or international and indicate the business legal status (corporation, partnership, etc.)
Give the date business was organized and/or incorporated, and where
Give the location of the office from which the work is to be done and the number of professional staff employees at the office
Indicate whether the business is a parent or subsidiary in a group of firms/agencies

INFORMATION REQUIRED OF PROPOSER

A. Cost

Submit fee for this service as described within.

B. The City of Reading will not be responsible for any out-of-pocket expenses incurred by the proposer.

C. Financial Soundness of Proposer

The proposer's most recent certified annual report, including balance sheets and profit and loss statements, should be submitted with its proposal. All information pertaining to the financial soundness of Proposer shall remain confidential. The City of Reading will contract only with a Proposer found to be financially sound. In addition, the City should be notified if there is a major claim(s) against the firm that could impact their ability to perform.

ASSIGNMENT OF KEY STAFF

The key member(s) of the contract identified must be assigned to the contract and must remain assigned to the contract for its duration, unless the City agrees in writing to modify the assignment. If a key member leaves during the course of the contract, the City must be notified immediately, and the contractor must submit the replacement name and credentials for approval by the City prior to that person starting work on the contract.

CITY INFORMATION

An executed Non-Collusion Affidavit and Non Discrimination Statement, as attached must be submitted with the proposal. Successful proposer will be required to submit an Indemnity Agreement, Stipulation Against Liens and a certificate of insurance as described.

EVALUATION OF PROPOSALS

The award may or may not be made to the firm submitting the lowest proposal. Award shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the City, taking into consideration the evaluation factors set below. Only submissions that are complete and returned within the time limit will be considered.

The selection will be made by the City based on the following criteria:

A. Experience, Qualifications and References
B. Charges for Services including hardware & software costs
C. MWE\WBE
D. Reading based provider
E. Completeness of RFP response ***A - E are required on all bids\proposals***
F. List any other selection criteria

SELECTION COMMITTEE AND PROCEDURE FOR REVIEW OF PROPOSALS

A Selection Committee will be established to review and evaluate all proposals submitted in response to this Request for Proposals (RFP). The Committee shall conduct a preliminary evaluation of all proposals on the basis of the "Evaluation of Proposals" section of this RFP. Failure to comply with any requirements shall disqualify a proposal.

The City may arrange for a meeting with the submitting parties or entities to clarify any aspect of the proposals. The selection committee has the responsibility to negotiate the most favorable cost, terms and conditions to the City of Reading. The negotiating process may involve one or more RFP responses, and may continue until the actual award of the contract.

The City reserves the right to reject any and all proposals. The City further reserves the right to seek new proposals when such a procedure is reasonably in the best interest of the City to do so.

QUESTIONS REGARDING SPECIFICATIONS OR PROPOSAL PROCESS

To ensure fair consideration for all firms, the City prohibits communication to or with any department, division, office or agency, and employee during the submission process with the exception of those questions relative to interpretation of specifications or the proposal process. Such communications initiated by a firm may be grounds for disqualifying the offending firm from consideration for award of the proposal and/or any future proposal.

No interpretations of the meaning of the RFP documents will be made to any bidder orally. Every request for such interpretation shall be in writing to the City of Reading Purchasing Office, and to be given consideration must be received in writing prior to 10:00 A.M. on Wednesday, February 27, 2013. Direct inquiries to:

Tammi Reinhart
Purchasing Coordinator
City Hall, Rm. 2-45
815 Washington Street
Reading, PA 19601
Phone - 610/655-6206
FAX - 610/655-6427

Any and all such interpretation will be in the form of an Addendum to the Contract Documents and will be faxed or emailed to all prospective firms at the number furnished by them by Wednesday, _____, 20_____.
Additionally, the City prohibits communications by a proposer to any City Official or employee evaluating or considering the proposals prior to the time an award decision has been made. Any communication between proposer and the City will be initiated by the Purchasing Coordinator in order to obtain information or clarification needed to develop a proper, accurate evaluation of the proposal. Any communications outside of the Purchasing Coordinator with a proposer shall be grounds for disqualifying the offending proposer from consideration for award of the proposal and/or any future proposal.

NON-COLLUSION AFFIDAVIT

INSTRUCTIONS FOR NON-COLLUSION AFFIDAVIT

1. This Non-Collusion Affidavit is material to any contract pursuant to this bid. According to the Pennsylvania Antibid-Rigging Act, 73 P.S. 1611 et seq., governmental agencies may require Non-Collusion Affidavits to be submitted together with bids.

2. This Non-Collusion Affidavit must be executed by the member officer, or employee of the bidder who is authorized to legally bind the bidder.

3. Bid rigging and other efforts to restrain competition, and the making of false sworn statements in connection with the submission of bids are unlawful and may be subject to criminal prosecution. The person who signs the Affidavit should examine it carefully before signing and assure himself or herself that each statement is true and accurate, making diligent inquiry, as necessary, of all other persons employed by or associated with the bidder with responsibilities for the preparation, approval or submission of the bid.

4. In the case of a bid submitted by a joint venture, each party to the venture must be identified in the bid documents, and an Affidavit must be submitted separately on behalf of each party.

5. The term "complementary bid" as used in the Affidavit has the meaning commonly associated with that term in the bidding process, and includes the knowing submission of bids higher than the bid of another firm, any intentionally high or noncompetitive bid, and any form of bid submitted for the purpose of giving a false appearance of competition.

6. Failure to file an Affidavit in compliance with these instructions will result in disqualification of the bid.

ADMINISTRATIVE CODE

NON-COLLUSION AFFIDAVIT OF PRIME BIDDER

State of _____

County of _____

_____, being first duly sworn, deposes and says that:

(1) He/She is _____
(Owner, Partner, Officer, Representative or Agent)

of _____, the Bidder that has submitted the attached Bid or Bids;

(2) He/She is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;

(3) Such Bid is genuine and is not a collusive or sham Bid;

(4) Neither the said Bidder nor any of its officers; partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication of conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overheld profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Reading or any person interested in the proposed Contract;

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant; and,

(6) Neither the said Bidder nor any of its officers, partners, owners, agents or parties in interest, have any interest, present or prospective, that can be reasonably construed to result in a conflict of interest between them and the City of Reading, which the Bidder will be required to perform.

I state that _____
(Name of Firm)

Understands and acknowledges that the above representations are material and important, and will be relied on by the City of Reading in awarding the Contract(s) for which this Bid is

submitted. I understand and my firm understands that any misstatement in this Affidavit is and shall be treated as fraudulent concealment from the City of Reading of the true facts relating to the submission of bids for this Contract.

_____
(Name and Company Position)

SWORN TO AND SUBSCRIBED

BEFORE ME THIS _____ DAY

OF _____, 20_____

_____ My Commission Expires:
Notary Public

PROVIDER'S CERTIFICATION OF NON- INDEBTEDNESS TO THE CITY OF READING

Provider hereby certifies and represents that Provider and Provider's parent company(ies) and subsidiary(ies) are not currently indebted to the City of Reading (the "City"), and will not at any time during the term of this Contract (including any extensions or renewals thereof) be indebted to the City, for or on account of any delinquent taxes, liens, judgments, fees or other debts for which no written agreement or payment plan satisfactory to the City has been established. In addition to any other rights or remedies available to the City at law or in equity, Provider acknowledges that any breach or failure to conform to this certification may, at the option of the City, result in the withholding of payments otherwise due to Provider and, if such breach or failure is not resolved to the City's satisfaction within a reasonable time frame specified by the City in writing, may result in the offset of any such indebtedness against said payments and/or the termination of this Contract for default (in which case Provider shall be liable for all excess costs and other damages resulting from the termination).

_____

Name of Provider

By: _____
Authorized Signatory

Title: _____
President or Vice President

Attest: _____

NON DISCRIMINATION STATEMENT

READING CODE

The undersigned hereby certifies that it shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, handicap, familial status, or national origin. The undersigned shall take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, handicap, familial status, or national origin.

_____

BIDDER

_____

TITLE

INDEMNITY AGREEMENT & HOLD HARMLESS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned has entered into a contract with the CITY OF READING, dated _____, 20_____, providing for the _____ _____City of Reading, Pennsylvania.

NOW, THEREFORE, in consideration of the award of said contract to the undersigned, _____, as well as in further consideration of the sum of ONE DOLLAR ($1.00) in hand paid to the said _____ by the City of Reading, receipt whereof is hereby acknowledged, the said _____ agrees to indemnify and save harmless the CITY OF READING, its officers, agents, servants, and employees against any and all loss, damage, costs and expenses which the said CITY may hereafter suffer, incur, be put to or pay by reason of any bodily injury (including death) or damage to property arising out of any act or omission in performance of the work undertaken under the aforesaid contract.

EXECUTED this _____ day of _____, 20_____.

By: _____

Title: _____

ATTEST:

_____

_____
(Title)

STIPULATION AGAINST LIENS

WHEREAS, _____, hereinafter called the CONTRACTOR, has entered into a CONTRACT, dated _____, 20_____, with _____hereinafter called the CITY, to provide materials and perform labor necessary for the manufacture and furnishing of the:

_____

_____

as set forth in the CONTRACT DOCUMENTS as prepared by the City of Reading.

NOW, THEREFORE, it is hereby stipulated and agreed by and between the said parties, as part of the said CONTRACT, and for the consideration therein set forth, that neither the undersigned CONTRACTOR, any SUBCONTRACTOR or material man, nor any other person furnishing labor or materials to the said CONTRACTOR under this CONTRACT shall file a lien, commonly called a mechanic's lien, for WORK done or materials furnished for the above manufacture.

This stipulation is made and shall be filed with the Berks County Prothonotary within ten (10) days after execution, in accordance with the requirements of Section 1402 of the Mechanics Lien Law of 1963 of the Commonwealth of Pennsylvania in such case provided.

IN WITNESS WHEREOF, the parties hereto have caused the signature of their proper officers to be affixed thereto on this _____ day _____ of 20_____.

_____
(CITY OF READING)

ATTEST:

BY: _____

TITLE: _____

BY: _____

TITLE: _____

_____ (CONTRACTOR)

READING CODE

ATTEST:

BY: _____

TITLE: _____

BY: _____

TITLE: _____

BY: _____

TITLE: _____

5 Attachment 2

City of Reading

Organization Charts
[Amended 5-29-2001 by Ord. No. 14-2001; 8-27-2001 by Ord. No. 28-2001; 10-11-2004 by Ord. No. 42-2004; 6-25-2006 by Ord. No. 63-2006; 7-24-2006 by Ord. No. 52-2006; 1-26-2009 by Ord. No. 5-2009; 2-28-2011 by Ord. No. 14-2011; 9-10-2012 by Ord. No. 93-2012; amended during codification (see Ch. 1, General Provisions, Part 2)]

City of Reading, Pennsylvania
Organization Chart

Department of Administrative Services

Department of Community Development

Department of Fire and Rescue Services

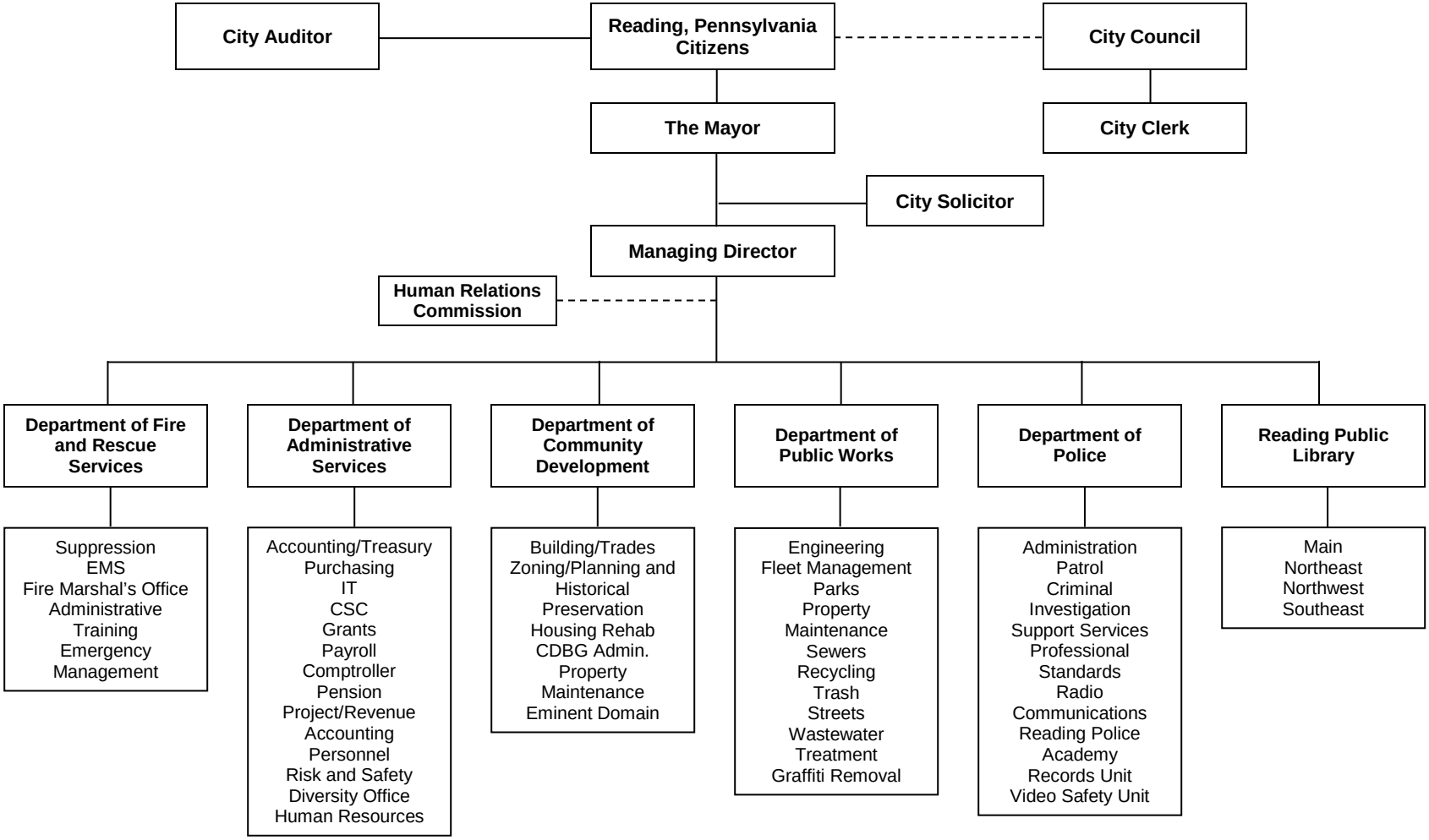
Department of Public Works

Police Department

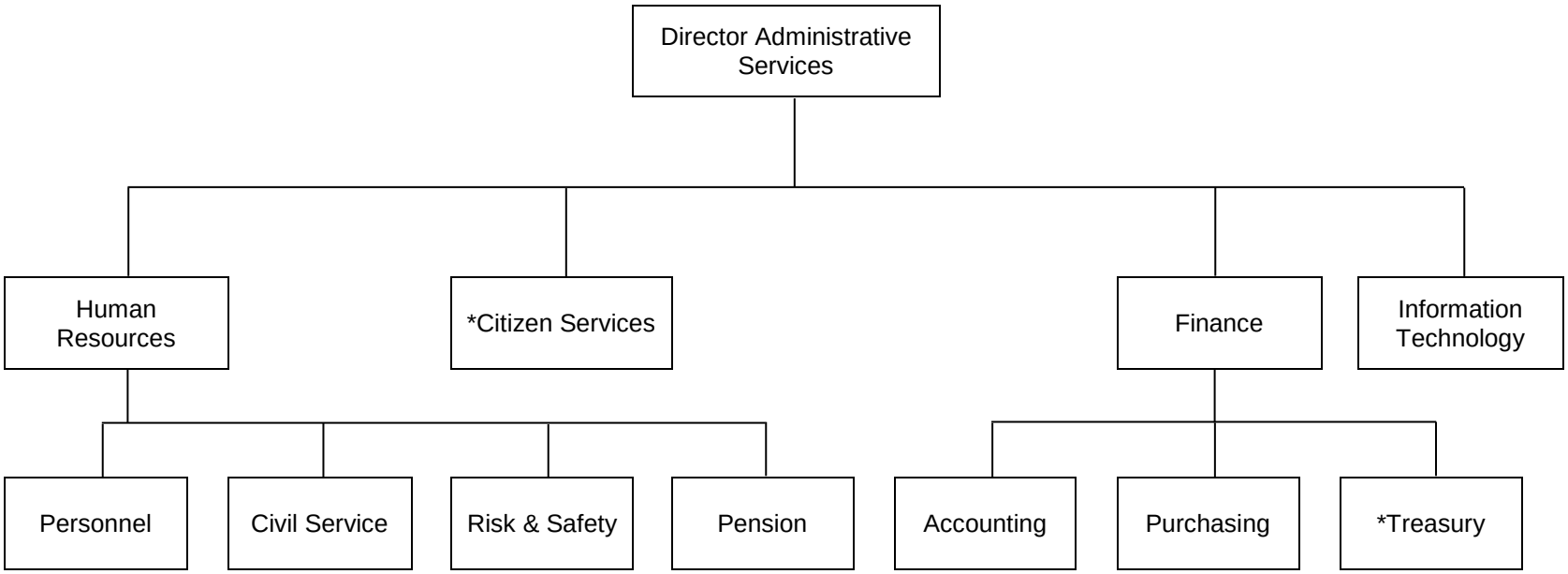
Public Library

Water Authority

City of Reading, Pennsylvania
Organization Chart

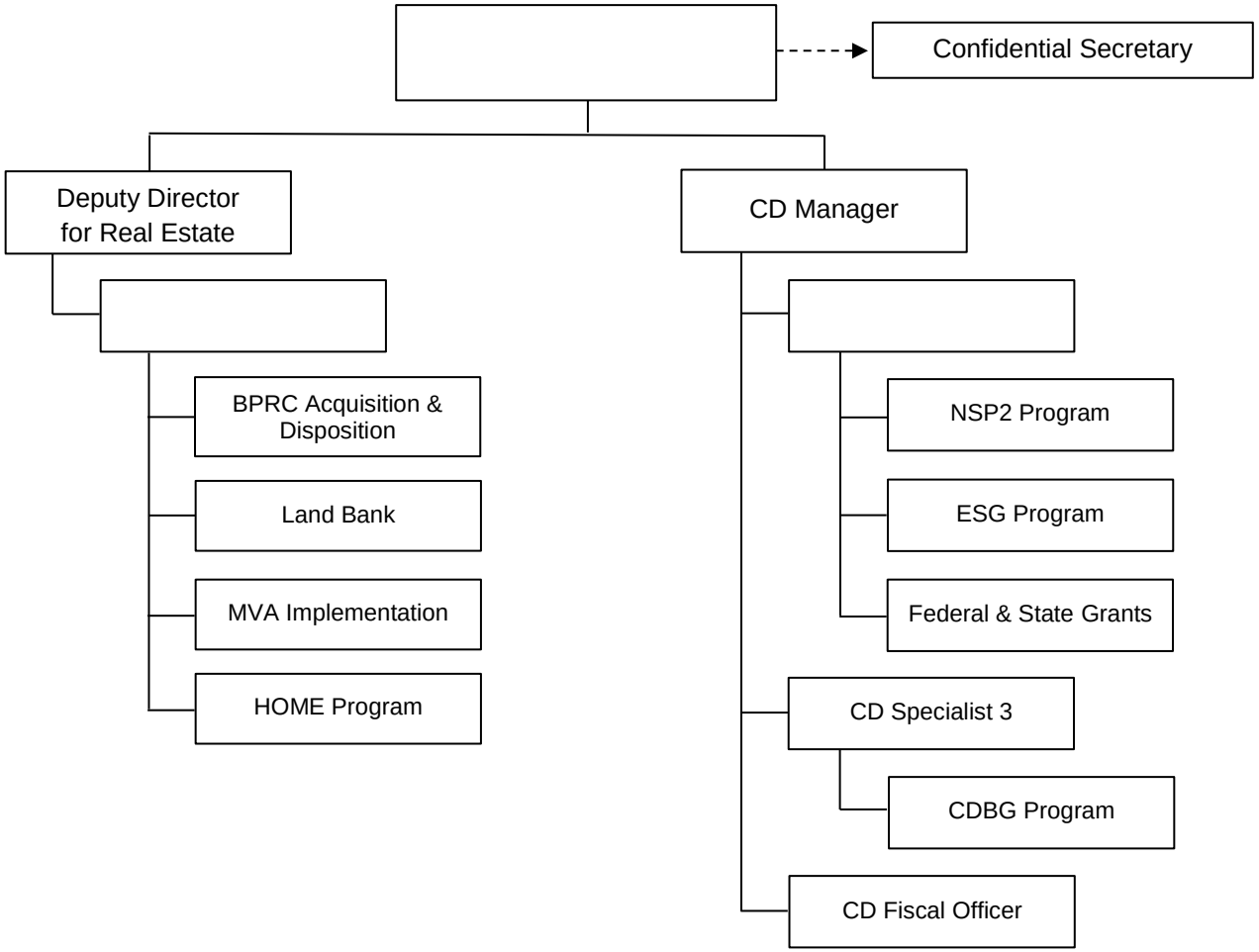


Department of Administrative Services



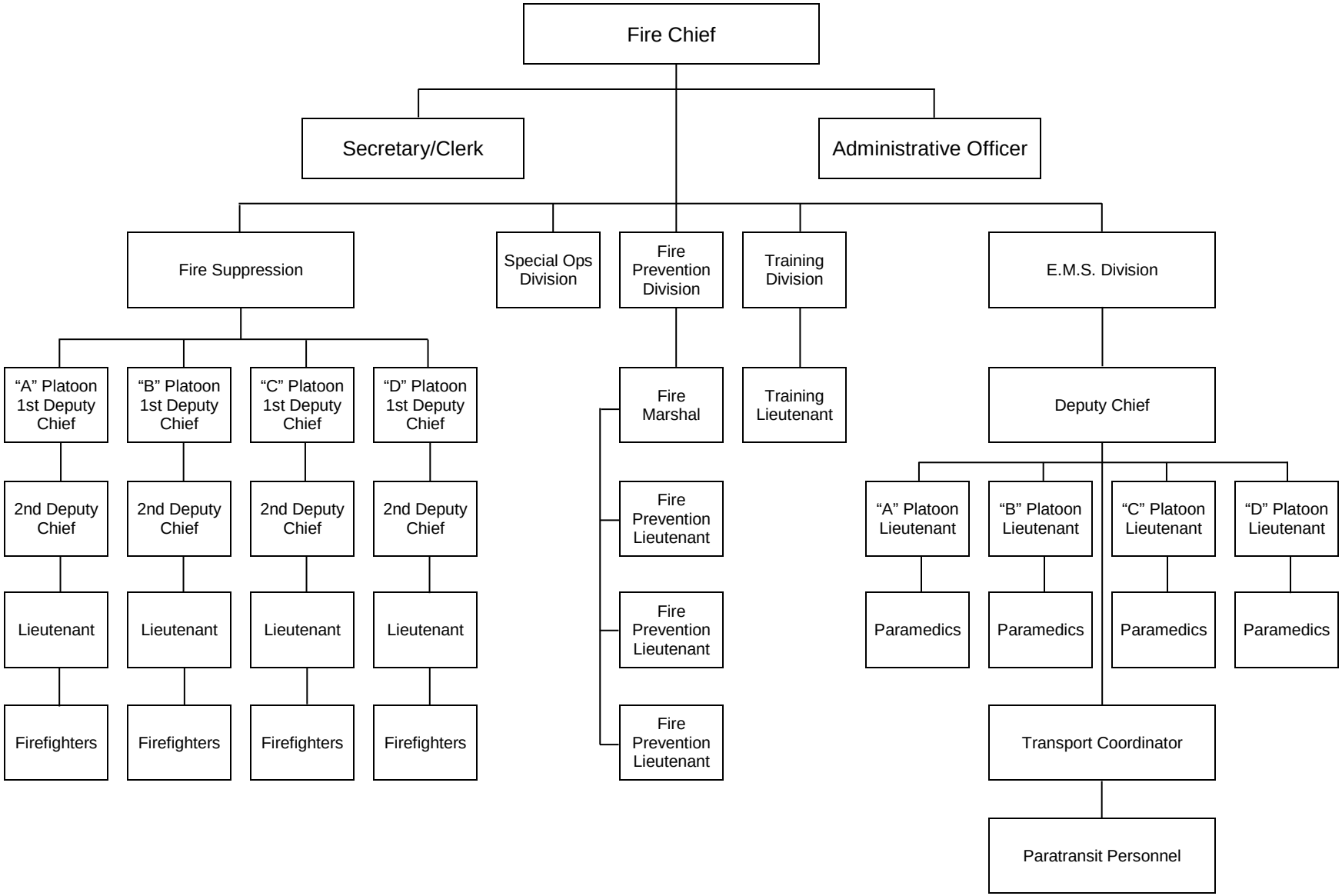
NOTES:
* Citizens Services and Treasury are combined in one office area in budget.

Department of Community Development

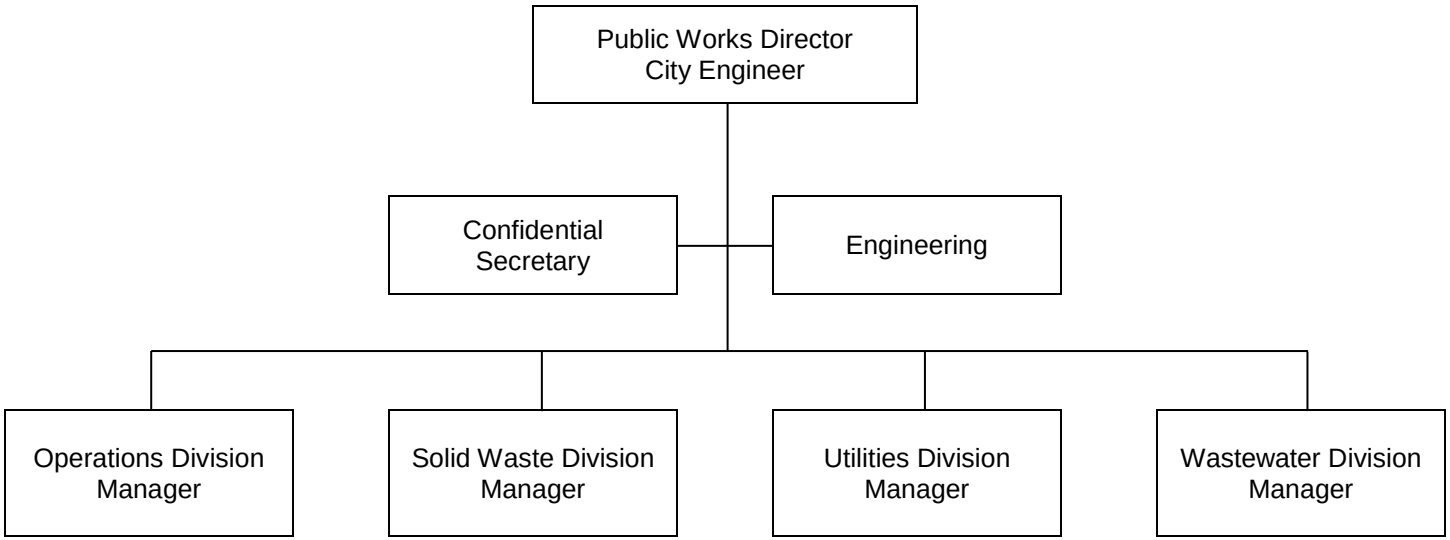


Org. Chart (2013)

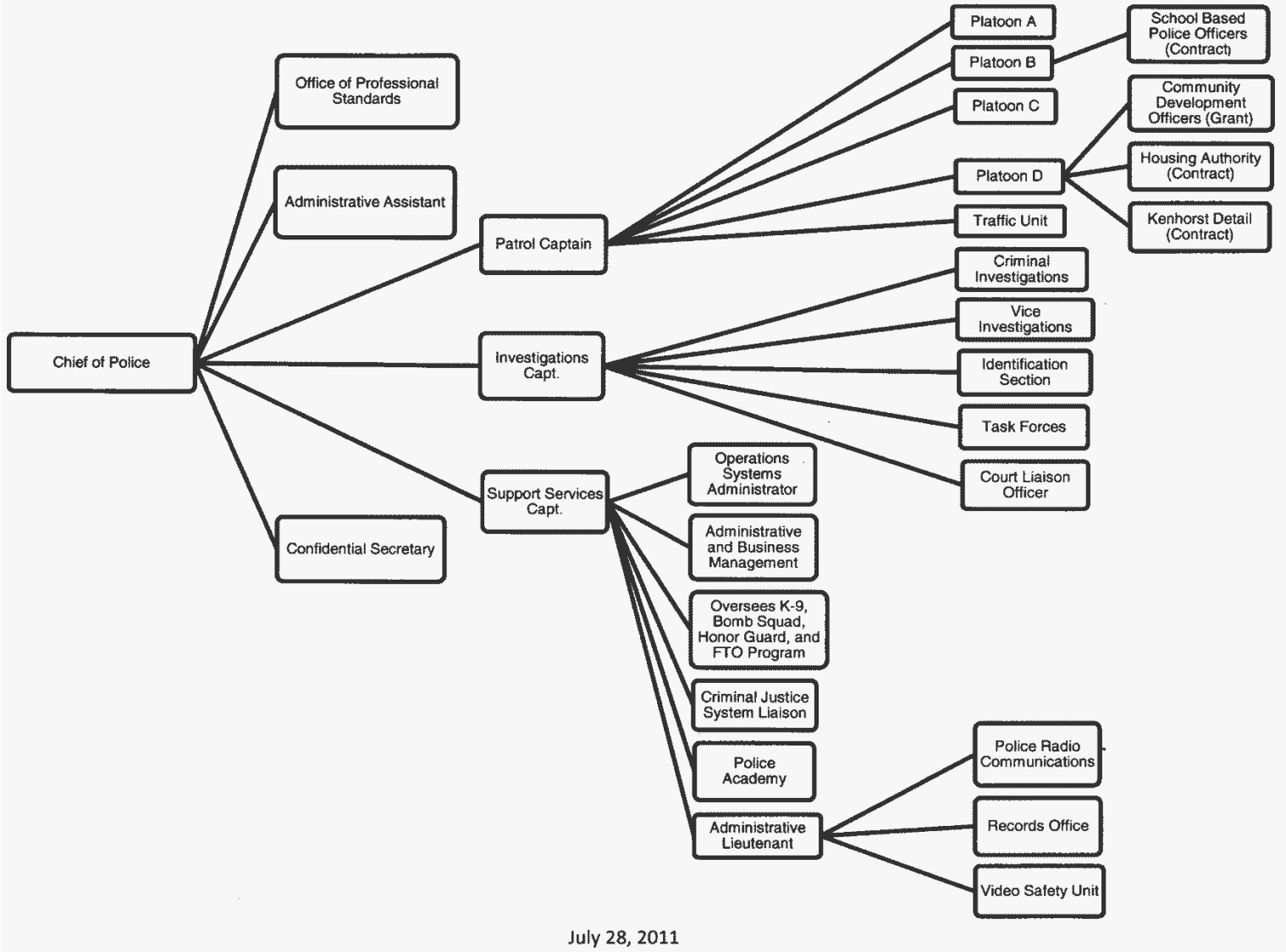
Department of Fire and Rescue Services



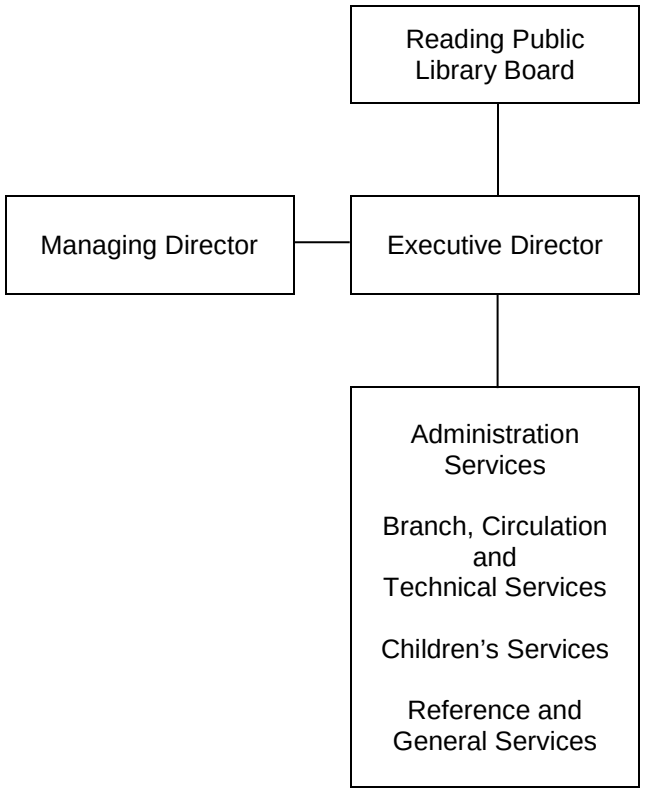
Department of Public Works



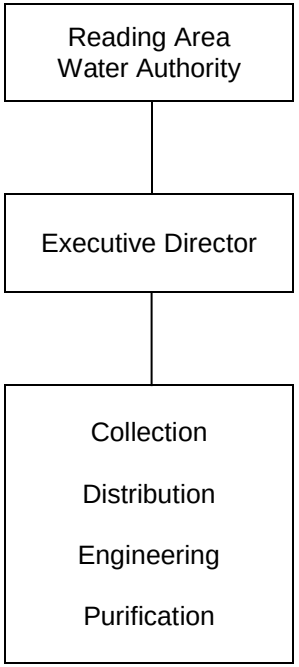
Police Department



Public Library



Water Authority



Chapter 14

AUTHORITIES

PART 1
Reading Parking Authority

§ 14-101. Intent.
§ 14-102. Articles of Incorporation.
§ 14-103. Publishing required.
§ 14-104. Notice of Articles of Incorporation.
§ 14-105. Filing of Articles of Incorporation.
§ 14-106. Members of the Board.
§ 14-107. Term of existence.

PART 2
Reading Regional Airport Authority

§ 14-201. Intent.
§ 14-202. Name of Authority.
§ 14-203. Articles of Incorporation.
§ 14-204. Members of Board.
§ 14-205. Execution of Articles of Incorporation.
§ 14-206. Appointments.
§ 14-207. Purpose.

PART 3
Reading Area Water Authority

§ 14-301. Intent.
§ 14-302. Articles of Incorporation.
§ 14-303. Notice of Articles of Incorporation.
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PART 4
Berks County Convention Center Authority

§ 14-401. Intent.
§ 14-402. Execution of Articles of Incorporation.
§ 14-403. Filing of Articles of Incorporation.
§ 14-404. Members of the Board of the Authority.
§ 14-405. Articles of Incorporation.

PART 5
Reading Downtown Improvement District Authority

§ 14-501. Reestablishment of Reading Downtown Improvement District Authority.
§ 14-502. Reestablishment of Neighborhood Improvement District.
§ 14-503. Responsibilities of Reading Downtown Improvement District Authority.
§ 14-504. Authorization of City Solicitor.
§ 14-505. Management.
§ 14-506. Levy of special assessment.
§ 14-507. Collection of assessments.
§ 14-508. Sunset provision.
§ 14-509. Municipal services agreement.
§ 14-510. No reduction in services.
§ 14-511. Severability.
§ 14-512. Contingency of final plan approval.

PART 6
Local Reading Redevelopment Authority

§ 14-601. Establishment of Authority.
§ 14-602. Members of Authority.
§ 14-603. Authority as advisory planning body.
§ 14-604. Redevelopment plan.

PART 7
City of Reading Revitalization Improvement Zone Authority

§ 14-701. Intent.
§ 14-702. Name of Authority.
§ 14-703. Articles of Incorporation.
§ 14-704. Members.
§ 14-705. Authority to effect the incorporation of Authority.
§ 14-706. Purposes and projects authorized.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Boards, commissions, committees and councils — See Ch. 23.

STATE LAW REFERENCES

Municipality Authorities Act — See 53 Pa.C.S.A. § 5601 et seq.

Parking Authority Law of 1947 — See 53 Pa.C.S.A. § 5501 et seq.

Neighborhood Improvement District Act of 2000 — See 73 P.S. § 831 et seq.

Third Class County Convention Center Authority Act — See 16 P.S. § 2399.1 et seq.

PART 1

Reading Parking Authority

[Adopted 9-9-1953 by Ord. No. 24-1953 (Ch. 1, Part 4B, of the 2001 Code of Ordinances)]

§ 14-101. Intent.

The City Council of the City of Reading hereby signifies its intention and desire to organize a parking authority under the provisions of the Parking Authority Law of 1947, as amended.[1]

§ 14-102. Articles of Incorporation.

The Mayor and the City Clerk are hereby authorized and directed to execute on behalf of the City of Reading Articles of Incorporation for said authority, in substantially the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH, COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Act of June 5, 1947, P.L. 458 known as the Parking Authority Law, as amended, the City of Reading, Berks County, Pennsylvania, desiring to incorporate an authority thereunder, does hereby certify:

(1) The name of the authority is the "Reading Parking Authority."

(2) Said Authority is formed under the provisions of the Act of June 5, 1947, P.L. 458, as amended.

(3) The name of the incorporating municipality is City of Reading, Berks County, Pennsylvania.

(4) The names and addresses of its municipal authorities, including its Council members, are as follows: [Here followed the names, addresses and offices of the City's municipal authorities.]

(5) The names, addresses and terms of office of the first members of the Board of the Parking Authority to be formed hereby are as follows: [Here followed the name, addresses and terms of office of the members of the Board.]

§ 14-103. Publishing required.

The proper officers of the City are hereby directed to cause this Part to be published as required by law but setting forth only briefly the substance of the proposed Articles of Incorporation, as permitted by § 4 of the Parking Authority Law, as amended.[2]

§ 14-104. Notice of Articles of Incorporation.

The proper officers of the City are hereby directed to cause a notice of the proposed filing of the above Articles of Incorporation to be published once in the Berks County Law Journal and once in a newspaper of general circulation in Berks County, as required by § 4 of the Parking Authority Law, as amended.[3]

---

1. **Editor's Note: See now 53 Pa.C.S.A. § 5501 et seq.**
2. **Editor's Note: See now 53 Pa.C.S.A. § 5504.**
3. **Editor's Note: See now 53 Pa.C.S.A. § 5504.**

§ 14-105. Filing of Articles of Incorporation.

The Mayor and City Clerk are directed to file said Articles of Incorporation, together with the necessary proof of publication, with the Secretary of the Commonwealth and to do all other acts and things necessary or appropriate to effect the incorporation of the Reading Parking Authority.

§ 14-106. Members of the Board. [Amended 11-25-1953 by Ord. No. 34-1953]

The following named persons be and they are hereby appointed as the first members of the Board of the Parking Authority whose terms of office shall commence on the date of appointment and shall be computed from June 1, 1953. [Here followed the names, addresses and terms of office of the first Board.]

§ 14-107. Term of existence. [Added 6-15-1977 by Ord. No. 19-1977; amended 8-29-1990 by Ord. No. 111-1990]

The term of existence of said Reading Parking Authority shall be for a period ending on August 15, 2040.

PART 2

Reading Regional Airport Authority

[Adopted 7-18-1956 by Ord. No. 39-1956 (Ch. 1, Part 4A, of the 2001 Code of Ordinances)]

§ 14-201. Intent.

It is the desire and intention of the Municipal Authorities of the City of Reading, County of Berks and Commonwealth of Pennsylvania, to organize an authority under the Municipality Authorities Act of 1945, being the Act of May 2, 1945, P.L. 382, as amended and supplemented.[4]

§ 14-202. Name of Authority.

The name of the proposed authority shall be "Reading Regional Airport Authority," and it shall be formed for the following purpose, to acquire, hold, construct, improve, maintain, operate, own or lease the General Carl A. Spaatz Field, Reading Municipal Airport, and other airports, airfields, landing fields, lands, buildings, improvements and all facilities necessary or incidental thereto.

§ 14-203. Articles of Incorporation.

The proposed Articles of Incorporation of the proposed authority are as follows:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with the Municipality Authorities Act of May 2, 1945, as amended and supplemented, the City of Reading, the County of Berks, a municipality of the Commonwealth of Pennsylvania, pursuant to an ordinance adopted by the Municipal Authorities of said City signifying said City's desire and intention to form an authority, hereby certifies:

(1) The name of the Authority shall be Reading Regional Airport Authority and it shall be formed for the following purpose, to acquire, hold, construct, improve, maintain, operate, own or lease the General Carl A. Spaatz Field, Reading Municipal Airport and other airports, airfields, landing fields, lands, buildings, improvements and all facilities necessary or incidental thereto.

(2) The Authority is formed under the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended and supplemented.

(3) No other authority has been organized by the City of Reading under the Municipality Authorities Act of May 2, 1945, as amended and supplemented, and no authority has been organized by the City of Reading under the Act approved June 28, 1935, P.L. 463.

(4) The name of the incorporating municipality is the City of Reading, County of Berks and Commonwealth of Pennsylvania and the names and addresses of the municipal authorities are as follows: [Here followed the names and addresses of City Council.]

(5) The names and addresses and terms of office of the first members of the Board of the Authority are: [Here followed the names and addresses and terms of office of the first members of the Board of the Authority.]

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4. Editor's Note: See now 53 Pa.C.S.A. § 5601 et seq.

§ 14-204. Members of Board.

The following persons are hereby appointed members of the Board of the Authority with the following terms of office. [Here followed the first appointed members of the Board of the Authority and terms of office.]

§ 14-205. Execution of Articles of Incorporation.

The Articles of Incorporation of the proposed authority in substantially the form set forth in § 14-203 of this Part shall be executed on behalf of the City of Reading by the Mayor and City Clerk, and such officers are hereby authorized, empowered and directed to do all things necessary and appropriate to effect and establish said proposed authority in conformity with the provisions of the Municipality Authorities Act of 1945, as amended and supplemented.[5]

§ 14-206. Appointments.

The Council of the City of Reading shall, at a meeting held not later than one month prior to January 1 of each year in which a vacancy occurs in the representation of the City of Reading on the Board, appoint as a member of the Board a proper person to succeed each member whose term expires January 1 next succeeding year.

§ 14-207. Purpose.

The adoption of this Part is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare and will increase the general welfare of the people of the City of Reading.

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5. Editor's Note: See now 53 Pa.C.S.A. § 5601 et seq.

PART 3

Reading Area Water Authority

[Adopted 5-5-1994 by Ord. No. 46-1994 (Ch. 1, Part 4C, of the 2001 Code of Ordinances)]

§ 14-301. Intent.

The Council of this City (the "Council") signifies the intention and desire to organize an authority under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945 (the "Authorities Act").[6]

§ 14-302. Articles of Incorporation. [Amended 8-25-2014 by Ord. No. 64-2014; 8-26-2015 by Ord. No. 1-2015]

The Mayor and Vice President of Council and the City Clerk, respectively, of this City are authorized and directed to execute, in behalf of this City, Articles of Incorporation for such Authority in substantially the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with requirements of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipalities Authorities Act of 1945, and pursuant to an ordinance duly enacted by the municipal authorities of the City of Reading, Berks County, Pennsylvania (the "City"), expressing the intention and desire of the municipal authorities of said municipality to organize an authority under provisions of said Act, said municipality certifies:

(1) The name of the authority is "Reading Area Water Authority."

(2) The Authority is formed under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945. The Authority shall have all the powers provided for under such Act; provided, however, that the Authority shall be prohibited, without prior approval from City Council, from:

(a) Undertaking any project which is not related to waterworks, water supply works or water distribution systems.

(b) Undertaking any project, whether or not related to waterworks, water supply works or water distribution systems, which involves the incurrence of any long-term debt.

(3) The City is the sole incorporating municipality of the Reading Regional Airport Authority, and is a joint incorporating municipality of the Berks Area Reading Transportation Authority. Other than the aforementioned municipal authorities, no other authority has been organized under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945, or under provisions provided of the Act of Assembly approved June 28, 1935, P.L. 436, as amended and supplemented, and is in existence in or for the incorporating municipality.

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6. Editor's Note: See now 53 Pa.C.S.A. § 5601 et seq.

(4) The name of said incorporating municipality is City of Reading. Berks County, Pennsylvania.

(5) The offices, names and addresses of the municipal authorities of said incorporating municipality are: [Here followed the offices, names and addresses of the municipal authorities.]

(6) The names, addresses and terms of office of first members of the Board of the Authority, each of whom is a citizen of said incorporating municipality are as follows: [Here followed the names, addresses and terms of office of the first Board members.]

(7) The Board of Directors of the Authority shall consist of seven members effective as of September 1, 2014. The two newly created positions shall serve for initial terms, as follows: one new appointee shall serve for a term ending the first Monday in January 2018 and the other new appointee shall serve for a term ending the first Monday in January 2019. Thereafter appointments and reappointments to the two newly created Board positions shall serve for terms of five years.

§ 14-303. Notice of Articles of Incorporation.

The appropriate officers of the Council are authorized and directed to cause notice of the substance of this Part, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Municipality Authorities Act.

§ 14-304. Filing of Articles of Incorporation.

The appropriate officers of the Council are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of such Authority, including payment of filing fees.

§ 14-305. Members of the Board.

The following named persons are appointed the first members of the Board of the Authority for the following terms of office: [Here followed the names of the first appointed members of the Board.]

PART 4

Berks County Convention Center Authority

[Adopted 6-24-1996 by Ord. No. 116-1996 (Ch. 1, Part 4E, of the 2001 Code of Ordinances)]

§ 14-401. Intent.

The Council of this City ("the Council") signifies the intention and desire to organize an authority jointly with the County of Berks, Pennsylvania ("the County") under provisions of the Act of Assembly approved December 27, 1994, P.L. 1375, as amended and supplemented, known as the "Third Class County Convention Center Authority Act" (the "Act").[7]

§ 14-402. Execution of Articles of Incorporation.

The Mayor and the City Clerk, respectively, of this City are authorized and directed to execute, on behalf of the City, Articles of Incorporation for such Authority in substantially the form set forth on Exhibit "A" attached hereto and made a part thereof.[8]

§ 14-403. Filing of Articles of Incorporation.

The appropriate officers of the Council acting jointly with appropriate officers of the County, are authorized and directed to file such Articles of Incorporation with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of such Authority, including payment of required filing fees.

§ 14-404. Members of the Board of the Authority.

The following named persons are appointed the first members to represent this City on the Board of the Authority for the following terms of office: [Here followed the names and terms of office of the first appointed Board.]

§ 14-405. Articles of Incorporation.

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with the requirements of the Act of Assembly approved December 27, 1994. P.L. 1375, as amended and supplemented, known as the Third Class County Convention Center Authority Act, and pursuant to ordinances duly enacted by the governing bodies of the County of Berks, Pennsylvania (the "County") and the City of Reading, Berks County, Pennsylvania (the "City"), expressing the intention and desire of the governing bodies of said municipalities to organize an authority jointly under provisions of said Act, said municipalities certify:

(1) The name of the authority is "Berks County Convention Center Authority."

(2) The Authority is formed under provisions of Act of Assembly approved December 27, 1994, P.L. 1375, as amended and supplemented, known as the Third Class County Convention Center Authority Act.

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7. Editor's Note: See now 16 P.S. § 2399.1 et seq.

8. Editor's Note: The Articles of Incorporation are included in § 14-405 of this chapter.

(3) No other Authority has been organized under provisions of the Act of Assembly approved December 27, 1994, P.L. 1375, as amended and supplemented, known as the Third Class County Convention Center Authority Act.

(4) The names of the incorporating municipalities are: County of Berks, Pennsylvania and City of Reading, Berks County, Pennsylvania.

(5) The offices, names and addresses of the officers of the governing bodies of said incorporating municipalities are: [Here followed the offices, names and addresses of the incorporating municipalities.]

(6) The members of the Board of the Authority shall be seven in number and shall be apportioned as follows:

County of Berks, Pennsylvania	3
City of Reading, Berks County, Pennsylvania	3

The terms of the first three members appointed by the governing body of the County of Berks, Pennsylvania, shall be allocated between them for a two-year, three-year and four-year term, respectively. The terms of the first three members appointed by the governing body of the City of Reading, Berks County, Pennsylvania, shall be allocated between them for a two-year, three-year and four-year term, respectively.

The governing bodies of the incorporating municipalities shall alternate in the appointment of the seventh member. The governing body of the County of Berks, Pennsylvania, shall make the first appointment of the seventh member, whose term shall be four years.

(7) The names, addresses and terms of office of the first members of the Board of the Authority, each of whom is a citizen of said incorporating municipality are as follows: [Here followed the names, addresses and terms of office of the first members of the Board of the Authority.]

PART 5

Reading Downtown Improvement District Authority
[Adopted 6-27-2005 by Ord. No. 41-2005 (Ch. 1, Part 4D, of the 2001 Code of Ordinances); amended in its entirety 11-9-2015 by Ord. No. 48-2015]

§ 14-501. Reestablishment of Reading Downtown Improvement District Authority.

The Reading Downtown Improvement District Authority ("Authority"), originally established by Ordinance No. 41-2005, titled "An Ordinance Authorizing the City of Reading to Organize an Authority to be Known as the Reading Downtown Improvement District Authority," and as amended (which amendments are incorporated by reference) is hereby reestablished pursuant to the Municipality Authorities Act[9] and the Neighborhood Improvement District Act,[10] pursuant to the terms set forth herein.

§ 14-502. Reestablishment of Neighborhood Improvement District.

A. As authorized by Act 2000-130, 73 P.S. § 831 et seq., known as the Neighborhood Improvement District Act of 2000 (hereinafter the "Act"), Authority, as reestablished, shall be organized and exist for the purposes of providing cleaning, maintenance, and security, as well as other services as authorized, in the area described hereinbelow, which shall be known as the "Reading Downtown Improvement District" ("District"):

BEGINNING at the intersection of Washington Street and North Second Street; along North Second Street to Walnut Street to North Third Street to Washington Street to Madison Avenue; to Elm Street excluding 430, 432 and 438 Elm Street; along Elm Street to Church Street to Walnut Street to Poplar Street to Washington Street to Moss Street to Court Street, excluding 906, 908, 910, 912, 914, 916, 918 and 920 Washington Street and 40 Moss Street; along Court Street to North Eleventh Street, excluding 11, 15, 17, 19, 21 and 23 North Tenth Street and 24, 22, 20, 18, 16, 14, 12, 10 and 6 North Eleventh Street; along North Eleventh Street crossing Penn Street to South Eleventh Street; along South Eleventh Street to Cherry Street to South Ninth Street, excluding 1013 Cherry Street, 25, 23, 21, 19, 17, 15, 13, 11 and 9 South Tenth Street, 915, 913, 911, 909, 907 Cherry Street, 914 rear Penn Street, and 25, 23, 21, 19, 17 and 13 South Ninth Street; along South Ninth Street to Franklin Street to South Seventh Street to Chestnut Street to Plum Street to Franklin Street, including 112 and 108 Plum and 614, 618 and 622 Franklin Street; along Franklin Street to Pearl Street excluding 514, 516, 518, 520, and 522 Franklin Street; along Pearl Street to Chestnut Street to Wood Street, excluding 521, 519, 517, 433, 431, 429, 427, 425 and 421 Chestnut Street; along Wood Street to Franklin Street to South Fourth Street to Cherry Street to Carpenter Street to South Third Street, excluding 341, 339, 337, 335, 333, 331, 329 and 327 Franklin Street and including 30 South Fourth Street; continuing along Cherry Street to South Second Street to Franklin Street, excluding 27, 25, 23, 21, 19, 17, 15, 13 and 11 South Second Street; along Franklin Street to South Front Street to North Front Street to Washington Street to North Second Street, place of BEGINNING.

B. A map showing the general boundaries, site, and situation of the proposed District is attached hereto, incorporated herein, and marked as Exhibit A.[11]

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9. Editor's Note: See 53 Pa.C.S.A. § 5601 et seq.

10. Editor's Note: See 73 P.S. § 831 et seq.

11. Editor's Note: Exhibit A is on file in the City offices.

C. The Authority may recommend to City Council more specific boundaries of the designated District. The Authority shall have the authority to develop and make business improvements and provide administrative services, including additional security, cleaning and maintenance, marketing, and other management services. The Authority shall have the authority to impose an assessment on each benefited property in the designated district described in this section.

§ 14-503. Responsibilities of Reading Downtown Improvement District Authority.

The responsibilities of the Reading Downtown Improvement District Authority shall be to facilitate a "clean and safe" downtown, as set forth in the final plan for the Downtown Improvement District, which will be attached hereto, incorporated herein, and marked as Exhibit B[12] and the Municipal Services Agreement between the City and the Reading Downtown Improvement District Authority, which will be attached hereto, incorporated herein, and marked as Exhibit C.[13] The Board of Directors of the Reading Downtown Improvement District Authority shall continue to provide fiduciary and administrative oversight to the Reading Main Street Program, and the Executive Director of the Reading Downtown Improvement District shall continue to serve as Program Manager for the Reading Main Street Program, all for compensation as set forth in the attached Municipal Services Agreement, and any amendments thereto.

§ 14-504. Authorization of City Solicitor.

The City Solicitor is authorized and directed to cause notice of this Part to be published to the extent required by and in accordance with the Neighborhood Improvement District Act[14] and the Municipality Authorities Act.[15] The Authority and its Solicitor are further authorized and directed to take all steps necessary for the filing, in accordance with the Neighborhood Improvement District Act and the Municipality Authorities Act, of amendments to the Articles of Incorporation of the Authority and bylaws of the Authority as required by the Neighborhood Improvement District Act, the Municipality Authorities Act, or other applicable law.

§ 14-505. Management.

The Authority, an existing municipal authority established pursuant to the Act of May 2, 1945 (P.L. 382, No. 164, known as the "Municipality Authorities Act of 1945"), shall be reauthorized, and shall be appointed as Neighborhood Improvement District Management Association of the City of Reading Downtown Improvement District and authorized to exercise all powers provided for in Section 7 of the Act, 73 P.S. § 837, provided that the final plan for the District is approved by City Council after notice to the public and public hearings.

§ 14-506. Levy of special assessment.

In accordance with the provisions of § 4, 5 and 10 of the Act, 73 P.S. § 834(5) and (10), an assessment fee shall be imposed on all nonexcluded properties located within the boundaries of

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12. Editor's Note: Exhibit B is on file in the City offices.

13. Editor's Note: Exhibit C is on file in the City offices.

14. Editor's Note: See 73 P.S. § 831 et seq.

15. Editor's Note: See 53 Pa.C.S.A. § 5601 et seq.

the District provided that the final plan for the District is approved by City Council after notice to the public and public hearings.

A. Amount and method of assessment. The assessment shall be made as of January 1, 2016, and is based on the cost estimates provided in the final plan of the Reading Downtown Improvement District and shall be as follows:

(1) Commercial properties, industrial properties, and commercial apartment buildings within the District shall be assessed at the rate of 4.754 mills for each $1,000 of assessed value as set by the Berks County Assessment Office.

(2) Owner-occupied residential properties shall be excluded from the payment of the special property assessment provided such properties are carried as "residential" in the assessment records for the County of Berks, Commonwealth of Pennsylvania.

(3) Tax-exempt property owners within the District shall be allowed and encouraged to provide in-kind services or a financial contribution to the Authority in lieu of assessment.

B. Payment of assessment. Payment of the entirety of the assessment, beginning with sums due on January 1, 2016, and each January 1 of each year thereafter, shall be due no later than 60 days following the date of mailing of the notice of assessment.

C. Liens. Assessments shall constitute liens and encumbrances upon the assessed property and shall be collectable in accordance with the provisions of Section 7(d) of the Act, 73 P.S. § 837(d), and in general may be collected in the same manner as municipal tax claims notwithstanding the provision of this section as to installment payments.

D. Delinquent payment of assessments. In the event of delinquency or failure to remit assessments, the property shall be subject to lien and the property owner shall be additionally assessed for costs of collection, interest at a rate of 10% per annum, as authorized by the Municipal Claims and Tax Liens Law, and counsel fees.

§ 14-507. Collection of assessments.

The Authority is designated as the collector for assessments provided for herein.

§ 14-508. Sunset provision.

A. The Authority shall automatically terminate on December 31, 2020, unless continued or extended by subsequent action of the City Council of the City of Reading in accordance with the provisions of the Act, 73 P.S. § 830 et seq.

B. In the event of termination, all property of the Authority shall pass to the City of Reading and the District shall cease to exist.

§ 14-509. Municipal services agreement.

An agreement shall be prepared and approved by between the City Council of the City of Reading and the Board of the Authority which will govern respective specific powers, duties and responsibilities of the City of Reading and the Authority. This services agreement shall be attached to this Part as Exhibit C[16] and shall be hereby incorporated by reference as though the same were set forth herein at length.

§ 14-510. No reduction in services.

The City of Reading shall in no way reduce or suspend the current level of services currently being provided to the geographic area of the District as a result of the reestablishment of the Authority. Services provided by the Authority shall be in addition to services provided by the City of Reading. The Authority shall periodically monitor the quantity and quality of City services outlined in the agreement.

§ 14-511. Severability.

If any sentence, clause, section or part of this Part is for any reason found to be illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections of this Part. It is hereby declared to be the intent of the City Council of the City of Reading that this Part would have been adopted had such illegal, invalid or unconstitutional sentence, clause, section or part thereof not been included therein.

§ 14-512. Contingency of final plan approval.

This Part shall take effect immediately, however, the existence of the Authority shall cease in the event the plan for the District, as put forth by the Authority is not approved after public review, as required by the Act. This Part shall be null and void, and of no legal force or effect unless the final plan for the District is approved by the City Council and property owners within the above-described area encompassing the District, in accordance with applicable law, including but not limited to the Neighborhood Improvement District Act.[17]

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16. Editor's Note: Exhibit C is on file in the City offices.

17. Editor's Note: See 73 P.S. § 831 et seq.

PART 6
Local Reading Redevelopment Authority
[Adopted 5-27-2008 by Ord. No. 39-2008]

§ 14-601. Establishment of Authority.

The City of Reading hereby establishes the City of Reading Local Redevelopment Authority to advise the City of Reading City Council about the best reuse of the military facility located on Kenhorst Boulevard within the municipal boundaries of the City.

§ 14-602. Members of Authority. [Amended 3-23-2009 by Ord. No. 14-2009]

The City of Reading Local Redevelopment Authority shall be composed of seven voting members. The members shall each serve five-year terms. The terms of the initial members shall be staggered, with the representatives of Council serving three-year terms, the representatives from the Redevelopment Authority and Planning Commission servicing four-year terms and the two representatives of the Mayor serving five-year terms. The composition shall be defined as follows: [Here followed the names and terms of office of the first appointed members.]

§ 14-603. Authority as advisory planning body.

The City of Reading Local Redevelopment Authority shall serve as an advisory planning body. Its redevelopment plan will be considered for adoption as official land use or development policy by the City Council of Reading, Pennsylvania.

§ 14-604. Redevelopment plan.

The City of Reading Local Redevelopment Authority will adopt the redevelopment plan and send it to the City of Reading City Council for approval, after which it shall submit the redevelopment plan to the Department of the Army, and to the Department of Housing and Urban Development for review, pursuant to federal BRAC law and regulations. The City of Reading Local Redevelopment Authority shall take all steps needed to complete this assignment within the period of time prescribed by statute and regulations.

PART 7

City of Reading Revitalization Improvement Zone Authority
[Adopted 11-12-2013 by Ord. No. 59-2013]

§ 14-701. Intent.

It is the intent of the City Council of the City to organize an authority under provisions of the Municipality Authorities Act.[18]

§ 14-702. Name of Authority.

The name of the authority shall be the "City of Reading Revitalization and Improvement Zone Authority."

§ 14-703. Articles of Incorporation.

The proposed Articles of Incorporation of said City of Reading Revitalization and Improvement Zone Authority are as follows:

CITY OF READING REVITALIZATION AND IMPROVEMENT ZONE AUTHORITY
ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA.

In compliance with requirements of the Pennsylvania Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the "Municipality Authorities Act"), and pursuant to the ordinance enacted by the City Council of the City of Reading, Berks County, Pennsylvania, expressing the intention and desire of the City Council of said municipality to organize a municipality authority under said Municipality Authorities Act, the incorporating municipality does hereby certify:

(a) The name of the Authority is "City of Reading Revitalization and Improvement Zone Authority."

(b) The Authority is formed under provisions of the Pennsylvania Municipality Authorities Act, 53 Pa.C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented, with all powers authorized by said Municipality Authorities Act.

(c) No other authorities have been organized under said Municipality Authorities Act, under the former Act of June 28, 1935 (P.L. 463, No. 191), or under the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945," and is in existence in or for the incorporating municipality, except that the incorporating municipality has heretofore organized (i) the Reading Water Authority and (ii) the Reading Regional Airport Authority, and (iii) the Downtown Improvement District Authority, as the sole incorporating municipality, and (iv) the Berks Area Reading Transportation Authority, as a joint incorporating municipality, each under the provisions of the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945," which authorities are in existence in or for said incorporating municipality.

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18. Editor's Note: See 53 Pa.C.S.A. § 5601 et seq.

(d) The name of the incorporating municipality is the City of Reading, Berks County, Pennsylvania.

(e) The names and addresses of the members of the City Council of the City of Reading, the incorporating municipality, are as follows: [Here followed the names and addresses of the members of the City Council.]

(f) The names, addresses and terms of office of the first members of the Board of the City of Reading Revitalization and Improvement Zone Authority are as follows: [Here followed the names, addresses and terms of office of the first members of the City of Reading Revitalization and Improvement Zone Authority.]

(g) The terms of office of the first members of the Board of said City of Reading Revitalization and Improvement Zone Authority shall commence on the date of appointment and shall be computed from the first Monday in January of 2014.

(h) The term of existence of the City of Reading Revitalization and Improvement Zone Authority shall be for a period of 50 years.

(i) Advertisement of notice of filing these Articles of Incorporation is submitted herewith.

§ 14-704. Members.

The first members of the Board of said City of Reading Revitalization and Improvement Zone Authority, named in the aforesaid Articles of Incorporation, are hereby specifically appointed members of said Board for the terms set after their respective names, commencing on the date of appointment and computed from the first Monday in January, 2014.

§ 14-705. Authority to effect the incorporation of Authority.

A. The Mayor of the City is hereby authorized and directed to execute the Articles of Incorporation of the proposed City of Reading Revitalization and Improvement Zone Authority in substantially the form set forth in this Part, and the City Clerk of the City is hereby authorized and directed to attest the same and to affix thereto the seal of the City. Such officers are authorized and directed to execute and deliver such other documents, agreements, certificates and instruments, and to do all acts necessary or appropriate to effect the incorporation of the proposed City of Reading Revitalization and Improvement Zone Authority, including, but not limited to, to cause notice of the substance of this Part, including the substance of the foregoing Articles of Incorporation, and the proposed filing of such Articles of Incorporation, to be published as required by the Municipality Authorities Act.

B. The Mayor of the City and the City Clerk of the City are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of the City of Reading Revitalization and Improvement Zone Authority, including payment of the required filing fees.

§ 14-706. Purposes and projects authorized.

The City of Reading Revitalization and Improvement Zone Authority shall have all the purposes, powers, and rights, as provided by Article XVIII-C of House Bill No. 465, Session of 2013, including, but not limited to, the designation of revitalization and improvement zones in the City,

engaging in and financing the construction, including related site preparation and infrastructure, reconstruction or renovation of facilities within such revitalization and improvement zones, for purposes of taking any and all actions and performing any and all duties authorized by a Contracting Authority as defined in and authorized by Article XVIII-C of House Bill No. 465, Session of 2013, and shall have all the purposes, powers, and rights as provided by the Municipality Authorities Act.

Chapter 23

BOARDS, COMMISSIONS, COMMITTEES AND COUNCILS

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Planning Commission

§ 23-101. Creation of Commission.

PART 2
Penn Square Commission

§ 23-201. Creation and name.
§ 23-202. Purpose.
§ 23-203. Powers and duties.
§ 23-204. Membership.
§ 23-205. Term of office.
§ 23-206. Compensation.
§ 23-207. Conduct of business.
§ 23-208. Indemnification.

PART 3
Citizens Advisory Board

§ 23-301. Creation and name.
§ 23-302. Purpose and functions.
§ 23-303. Membership.
§ 23-304. Meetings.
§ 23-305. Organizational procedures.

PART 4
* Updated - Ordinance No. 8-2016 **First Energy Stadium Commission**

§ 23-401. Creation and members.
§ 23-402. Appointments and vacancies.
§ 23-403. Removal of members.
§ 23-404. Compensation.
§ 23-405. Officers and procedural rules.
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Human Relations Commission; Discrimination

§ 23-501. Legislative findings and declaration of policy.
§ 23-502. Scope.
§ 23-503. Definitions.
§ 23-504. Human Relations Commission.
§ 23-505. Powers and duties of Commission.
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§ 23-507. Unlawful housing practices.
§ 23-508. Unlawful lending practices.
§ 23-509. Unlawful public accommodation practices.
§ 23-510. Obstruction of fair practices.
§ 23-511. City contracts.
§ 23-512. Procedure.
§ 23-513. Enforcement.
§ 23-514. Violations and penalties.

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Charter Board

§ 23-601. Title; purpose.
§ 23-602. Organization of Charter Board.
§ 23-603. Powers and duties of Charter Board.
§ 23-604. Standards for interpretation of Reading City Charter and Administrative Code.
§ 23-605. Enforcement.
§ 23-606. Advisory opinions.
§ 23-607. Educational duties of Charter Board.

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Minority Business Procurement Advisory Board

§ 23-701. Policy.
§ 23-702. Definitions.
§ 23-703. Minority Business Procurement Advisory Board.
§ 23-704. Minority Business Procurement Advisory Board.
§ 23-705. Powers and duties of Board.
§ 23-706. City contracts.
§ 23-707. Procedure.

PART 8
Board of Health

§ 23-801. Establishment; members.
§ 23-802. Purpose.
§ 23-803. Organization.
§ 23-804. Powers and duties.
§ 23-805. Meetings.
§ 23-806. Advisors.

PART 9
Blighted Property Review Committee

§ 23-901. Short title.
§ 23-902. Purpose.
§ 23-903. Creation, members, duties, term and expenditures.
§ 23-904. Definitions.
§ 23-905. Blighted property removal.
§ 23-906. Restrictions.
§ 23-907. Reuse of acquired property.
§ 23-908. Conflict with other laws.

PART 10
Diversity Board

§ 23-1001. Purpose.
§ 23-1002. Responsibilities.
§ 23-1003. Membership; removal.
§ 23-1004. Organization of Board.
§ 23-1005. Powers and duties.
§ 23-1006. Meetings.
§ 23-1007. Expenditures for services.

PART 11
Environmental Advisory Council

§ 23-1101. Purpose.
§ 23-1102. Membership.
§ 23-1103. Meetings and voting.
§ 23-1104. Officers and compensation.
§ 23-1105. Duties.
§ 23-1106. Bylaws.
§ 23-1107. Hearings.
§ 23-1108. Intermunicipal cooperation.

PART 12
Main Street Program Board

§ 23-1201. Purpose; membership.
§ 23-1202. DID Executive Director as Reading Main Street Program Manager.
§ 23-1203. Amendment to Agreement Between City and RDIDA.

PART 13
Audit Committee

§ 23-1301. Purpose.
§ 23-1302. Membership.
§ 23-1303. Functions.
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PART 14
Code and License Appeals Board

§ 23-1401. Organization.
§ 23-1402. Powers.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Board of Ethics — See Ch. 5, Part 10.

Officers and Employees Retirement Board — See Ch. 62, Part 2.

Firemen's Pension Fund Board of Managers — See Ch. 62, Part 3.

Animal Control Board — See Ch. 141, Part 2.

Board of Appeals — See Ch. 180.

Board of Historical Architectural Review — See Ch. 295.

Board of Trustees of the Reading Public Library — See Ch. 332.

Shade Tree Commission — See Ch. 555.

STATE LAW REFERENCES

Planning Commission — See 53 P.S. § 10201 et seq.

Sunshine Act/Open Meeting Law — See 65 Pa.C.S.A. § 701 et seq.

Human Relations Act — See 43 P.S. § 951 et seq.

Rental housing discrimination — See 35 P.S. § 1680.402a et seq.

Service uniform discrimination — See 18 Pa.C.S.A. § 7323.

Blighted properly removal — See 35 P.S. § 1712.1.

Board of Health — See 53 P.S. § 37301 et seq.

Municipalities Financial Recovery Act — See 53 P.S. § 11701.101 et seq.

PART 1

Planning Commission

[Adopted 2-18-1914 by Ord. No. 46a; amended in its entirety 12-13-2010 by Ord. No. 103-2010 (Ch. 1, Part 5G, of the 2001 Code of Ordinances)]

§ 23-101. Creation of Commission.

A City Planning Commission to be composed of five members, appointed as provided by law (53 P.S. § 10202), is hereby created in and for the City. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon City planning agencies; provided, the Planning Commission previously created in and for the said City shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing City planning commissions in effect at the time of the happening of said vacancy.

PART 2

Penn Square Commission

[Adopted 3-19-1975 by Ord. No. 10-1975 by Ord. No. 10-1975; amended in its entirety 5-29-2001 by Ord. No. 14-2001 (Ch. 1, Part 5F, of the 2001 Code of Ordinances)]

§ 23-201. Creation and name.

There is hereby created, pursuant to the provisions of the Third Class City Code,[1] to be known as "The Penn Square Commission of the City of Reading," hereinafter referred to as "Commission."

§ 23-202. Purpose.

The purpose of the Penn Square Commission is to organize, promote and give direction to the efforts of both private and public organizations interested in fostering the civic, social, cultural and economic development within the City's new public commons in its downtown area; and to renew, preserve and enhance the economic and aesthetic value of the City's central business district.

§ 23-203. Powers and duties.

A. The Penn Square Commission shall administer and supervise the use, operation and maintenance of Penn Square, Market Square and such other public spaces as may be designated by resolution of Council. The powers and duties of the Commission shall include, without limiting the generality of the foregoing, the establishment of use, operation and maintenance policies; the promotion of activities; solicitation of funds; the procurement and scheduling of all programs and events; the issuance of use permits; the establishment of a schedule of rental rates and charges; and the establishment of rules of conduct and safety. Provided, however, any leases or contracts in excess of one year shall be subject to the approval of Council.

B. The Commission, within the annual budgetary appropriations established by Council, may employ such persons and make such expenditures as may be necessary for the conduct of all business within its jurisdiction. Any such persons employed by the Commission shall be subject to the wages, hours and conditions of employment as established by Council. The Commission shall submit to Council, not later than October 1 of each year, its recommendations for the budgetary appropriations, the personnel complement, and the wage and salary classifications within its jurisdiction for the succeeding year. The Commission shall make an annual report to Council in December of each year on the operations of the Commission.

§ 23-204. Membership.

Membership on the Penn Square Commission shall consist of 11 residents and/or business persons engaged in business in Downtown Reading, at least six of whom shall be residents of the City. At least five such members, if available, shall be members of the Reading Market Association (RMA) or equivalent downtown business organization. At least one such member, if available, shall be a representative of the Chamber of Commerce of Reading and Berks County. All members of the Commission shall be appointed by the Mayor with the approval of Council.

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1. **Editor's Note: See 53 P.S. § 35101 et seq.**

§ 23-205. Term of office.

The initial appointment of members serving on the Penn Square Commission shall consist of three members appointed for a term of one year, two of whom shall be representatives of the Chamber of Commerce of Reading and Berks County and Downtown Association of Reading Endeavors; two members appointed for a term of two years; and two members appointed for a term of three years. Thereafter, the representatives from the Chamber of Commerce of Reading and Berks County shall be appointed on an annual basis for one year and the remaining 10 members shall be appointed for a term of two years and shall serve until their successors are appointed. Any vacancy occurring other than by expiration of term shall be filled by appointment for the unexpired term in the manner as provided herein for original appointments.

§ 23-206. Compensation.

The members of the Penn Square Commission shall serve without compensation.

§ 23-207. Conduct of business.

The members of the Penn Square Commission shall elect their own Chairman and Secretary and shall select all other officers necessary to conduct business, to serve for a term not exceeding the term of their appointment. The Commission shall adopt rules and regulations for its internal organization and procedure and for the conduct of all business within its jurisdiction. The Commission in its discretion may appoint persons to act as advisors to subcommittees appointed by the Commission.

§ 23-208. Indemnification.

The City shall indemnify and save harmless any officer, director or member of the Penn Square Commission from and against any claims or liabilities (including reasonable attorney fees) on any judgment, decree, fine or penalties imposed on him for any act or omission committed or incurred while acting as such, and reimburse him for all legal and other expenses reasonably incurred by him in defense thereof, at such terms as provided by governing law; provided that there shall be no obligation to reimburse, partially or wholly, such persons for claims or liabilities determined by a court to have constituted willful misconduct or recklessness.

PART 3

Citizens Advisory Board

[Adopted 9-16-1981 by Ord. No. 48-1981 (Ch. 1, Part 5E, of the 2001 Code of Ordinances)]

§ 23-301. Creation and name.

Council hereby establishes and creates a Citizens Advisory Board to be known and referred to herein as the "CAB."

§ 23-302. Purpose and functions.

A. The purpose of the CAB is to act as a communication vehicle between City government and City residents on City-wide policies and issues related to neighborhood quality of life and economic health programs as well as assisting in an advisory capacity with any other community issues or programs in which the Mayor and/or Council deem citizen participation necessary and beneficial. **[Amended 4-22-2013 by Ord. No. 22-2013]**

B. The CAB shall formally replace the Mayor's Policy Advisory Board established by Res. No. 79-1974 in conjunction with the Reading Model Cities Program.

§ 23-303. Membership. [Amended 1-24-2011 by Ord. No. 1-2011; 2-28-2011 by Ord. No. 10-2011]

A. The CAB shall consist of 11 voting members, all of whom shall be residents of the City. **[Amended 4-22-2013 by Ord. No. 22-2013]**

B. The Board shall maintain a broad-based representation reflecting the overall population of the City.

C. Each City Council member, including Council President, will have one appointment to CAB and the Mayor shall have four appointments to CAB. Responsibility of dismissing Board members shall lie with Council in accordance with Subsection H hereof. **[Amended 4-22-2013 by Ord. No. 22-2013]**

D. The initial terms shall be staggered as follows: **[Amended 4-22-2013 by Ord. No. 22-2013]**

(1) The first set of four members appointed shall have a term that expires on December 31, 2014.

(2) The second set of four members appointed shall have a term that expires on December 31, 2015.

(3) The third set of three members appointed shall have a term that expires on December 31, 2016.

E. Members appointed or reappointed after the initial term period defined in Subsection D herein shall serve a four-year term.

F. Each member shall continue to serve until a successor is duly appointed or until some other formal action is taken by Council.

G. A quorum of no less than six members shall be necessary to make any formal recommendations to the Mayor and/or Council. **[Amended 4-22-2013 by Ord. No. 22-2013]**

H. Any member absent from three consecutive regularly scheduled meetings shall be recommended to Council for formal dismissal.

I. Members may be reappointed upon expiration of their terms for a period of four years. **[Amended 8-26-2013 by Ord. No. 35-2013]**

§ 23-304. Meetings. [Amended 5-29-2001 by Ord. No. 14-2001; 4-22-2013 by Ord. No. 22-2013]

The CAB shall establish its own meeting schedule and will meet on a regular basis. All CAB meetings shall adhere to state regulations as defined in the Act of June 3, 1986, P.L. 388, No. 84, known as the "Sunshine Act," 53 P.S. § 271 et seq.

§ 23-305. Organizational procedures. [Amended 4-22-2013 by Ord. No. 22-2013]

A. The CAB shall hold annual elections to select Board officers including a Chair, Vice Chair and Secretary.

B. The CAB shall establish task forces as needed.

PART 4

First Energy Stadium Commission

[Adopted 2-28-2000 by Ord. No. 2-2000 (Ch. 1, Part 5I, of the 2001 Code of Ordinances); amended in its entirety 10-13-2014 by Ord. No. 74-2014]

§ 23-401. Creation and members.

A First Energy Stadium Commission ("Commission") is hereby created which shall consist of nine qualified electors of the City of Reading ("City") to serve as liaison between the "City" and the Reading Phillies organization.

* Updated - Ordinance No. 8-2016

§ 23-402. Appointments and vacancies.

The members of the Commission shall be appointed by the Mayor and confirmed (four affirmative votes) by Council. Three of the members first appointed under this section shall serve for terms of one year, three for terms of three years, and three for terms of five years, respectively, from the date of the approval of this section and until their respective successors have been duly appointed. Appointments of successors, in each case, will be for a period of five years. Any vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as original appointments.

§ 23-403. Removal of members.

Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Commission by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Commission by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

§ 23-404. Compensation.

Members of the Commission shall serve without compensation.

§ 23-405. Officers and procedural rules.

The members of the Commission shall elect their own Chairman and Vice Chairman/Secretary and select all other necessary officers to serve for a period of one year. The Commission shall adopt rules and regulations for its internal organization and procedure and for the conduct of all business within its jurisdiction.

§ 23-406. Powers and duties.

A. The Commission, in cooperation with the City and the Reading Phillies Organization, shall supervise the operation of the First Energy Stadium. The Commission will assist the City and the Reading Phillies Organization in identifying the capital needs and repairs for the stadium, as listed in the revised and restated lease agreement dated October 25, 1999, "lease agreement." The Commission shall submit to the Public Works Director and City Council,

no later than July 1 of each year, its recommendation for capital repairs and improvements to the stadium for inclusion in the City's operating budget and five-year capital plan.

B. The lease agreement transfers the responsibility of the beer sales from the City and the prior Stadium Commission to the Reading Phillies Organization. The $4,200 retained by the prior Stadium Commission to purchase beer products for the 2000 season shall be placed in an account titled "Stadium Capital." These monies will be expended for the capital repairs to the stadium as identified by the Commission and approved by the Public Works Operations Division Manager, as outlined in the lease agreement. This account will remain independent from all other City accounts and funds and will not be combined with the City's general fund at the end of any fiscal year. The City administration will appropriate a minimum of $5,000 per year in this account for each fiscal year.

C. The Commission will supply a copy of all meeting minutes to the City Clerk and shall make an annual report to Council on the operations of the Commission.

PART 5

Human Relations Commission; Discrimination

[Adopted 3-13-2002 by Ord. No. 6-2002 (Ch. 1, Part 5C, of the 2001 Code of Ordinances)]

§ 23-501. Legislative findings and declaration of policy. [Amended 9-28-2009 by Ord. No. 53-2009]

A. Legislative findings.

(1) The population of the City consists of people of many races, colors, religions, ancestries, sexual orientations, gender identities or expressions, national origins, ages, sex and familial status. Some suffer from handicaps. Others have previously filed charges of discrimination with the Commission of Human Relations or a similar state or federal agency. Some of these citizens, for one or more of the above mentioned reasons, are discriminated against in employment opportunities, places of business, public accommodations, resort, recreation and amusement, housing facilities and the obtaining of loans and the extending of credit for housing accommodations.

(2) Discrimination because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous opposition to individual discriminatory practices is contrary to the constitutions, laws and policies of the Commonwealth of Pennsylvania and the United States of America.

(3) Discrimination in employment prevents the gainful employment of segments of the residents of the City, tends to impair the City's productive capacity, reduces the public revenues, imposes substantial financial burden upon the public for relief and welfare, and tends to create breaches of the peace and depressed living conditions which breed crime, vice, juvenile delinquency and disease, and is detrimental to the public safety, economic growth and general welfare of the City.

(4) Discrimination in housing results in overcrowded, segregated areas with substandard, unsafe, and unsanitary living conditions, which cause increased mortality, disease, crime, vice and juvenile delinquency, fires and risk of fire, intergroup tensions and other evils, all of which increase the cost of government and reduce the public revenues, and result in injury to the public safety, health and welfare of the City.

(5) Discrimination in places of public accommodation, resort, recreation, amusement and places of business, causes humiliation, embarrassment and inconvenience to residents and visitors of the City, tends to create breaches of the peace, intergroup tensions and conflicts and similar evils, and is detrimental to the public safety, general welfare and economic growth of the City.

B. Declaration of policy.

(1) It is hereby declared to be the policy of the City, in the exercise of its powers for the protection of the public safety and the general welfare, for the maintenance of peace and good government and for the promotion of the City's trade, commerce and manufacture, to assure the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the City and to insure equal opportunity for all persons to live in decent housing facilities, free from restrictions because of race, color, religion, ancestry, sexual orientation, gender identity or

expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

(2) To accomplish these goals, it shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination in employment, housing and places of business, public accommodation, resort, recreation or amusement.

§ 23-502. Scope.

This Part applies to discriminatory practices including, but not limited to, discrimination in employment, housing and public accommodations, including places of business, which occur within the territorial limits of the City and to employment, contracted for, performed or to be performed within these limits, and to housing accommodations and places of business, public accommodation, resort, recreation and amusement located within the territorial limits of the City.

§ 23-503. Definitions. [Amended 9-28-2009 by Ord. No. 53-2009]

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from context:

ACCESSIBLE — When used with respect to the public and common use areas of a building containing covered multifamily dwellings, means that the public or common use areas of the building can be approached, entered, and used by individuals with physical handicaps.[2]

AGE — Includes any person 40 and above and shall also include any other person so protected by further amendment to the Federal Age Discrimination in the Employment Act.

AGGRIEVED PERSON — Such person or persons who believe that they have been injured or will be injured by a discriminatory employment, housing or public accommodations act or practice that has occurred or is about to occur.

COMMISSION — The Commission of Human Relations established in the office of the Mayor of the City by this Part.

COMPENSATORY DAMAGES — A sum of money awarded in a civil action by a court to indemnify a person for the particular loss, detriment or injury suffered as a result of the unlawful conduct of another. **[Added 7-11-2011 by Ord. No. 31A-2011]**

COMPLAINANT — The person (including the Commission) who files a complaint under § 23-512. **[Added 7-11-2011 by Ord. No. 31A-2011]**

CONCILIATION — The attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Commission. **[Added 7-11-2011 by Ord. No. 31A-2011]**

CONCILIATION AGREEMENT — A written agreement setting forth the resolution of the issues in conciliation. **[Added 7-11-2011 by Ord. No. 31A-2011]**

DISCRIMINATE and DISCRIMINATION — Includes any difference in treatment based on race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

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2. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

DISCRIMINATORY HOUSING PRACTICE — An act that is either unlawful under the provisions of this Part or is unlawful under §§ 804, 805, 806 or 818 of the Federal Fair Housing Act, or § 955 or 955(h) of the Pennsylvania Human Relations Act.[3]

DWELLING — Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof. **[Added 7-11-2011 by Ord. No. 31A-2011]**

EMPLOYER — Any person who employs five or more employees, exclusive of the parents, spouse or children of such person, including the City, its department, boards, commissions and authorities, and any other governmental agency within its jurisdiction. The term "employer," with respect to discriminatory practices based on a class protected under this Part, includes religious, fraternal, charitable and sectarian corporations and associations employing four or more persons in the City.

EMPLOYMENT AGENCY — Any person regularly undertaking, with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.

FAMILIAL STATUS — One or more individuals, who have not obtained the age of 18 years being domiciled with:

A. A parent or another person having legal custody of such individual or individuals.

B. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

C. Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY — Includes a single individual. **[Added 7-11-2011 by Ord. No. 31A-2011]**

FEDERAL FAIR HOUSING ACT — Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3600 through 3620.

GENDER IDENTITY OR EXPRESSION — The actual or perceived gender identity, appearance, behavior, expression or physical characteristics whether or not associated with an individual's assigned sex at birth.

HANDICAP — With respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of having such an impairment, or being regarded as having such an impairment, but such term does not include current or illegal use of addiction to a controlled substance (as defined in the Pennsylvania Consolidated Statutes). **[Amended 7-11-2011 by Ord. No. 31A-2011]**

HOUSING ACCOMMODATION — Any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a resident by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

LABOR ORGANIZATION — Any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms of conditions of employment, or of other mutual aid or protection in relation to employment.

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3. Editor's Note: See 43 P.S. § 955 or 955(h).

LENDING INSTITUTION — Any bank, insurance company, savings and loan association, or any other person regularly engaged in the business of lending money or guaranteeing loans.

NON-JOB-RELATED HANDICAP OR DISABILITY — Any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in, or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job-related.

OWNER — Includes the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent or any other person having equitable or security interest in any housing accommodation, including the City and its departments, boards, commissions and authorities.

PENNSYLVANIA HUMAN RELATIONS ACT — The Act of 1955, October 27, P.L. 744, No. 222, § 1, as amended, 43 P.S. § 951 et seq.

PERSON — Any individual, partnership, corporation, labor organization or other organization or association including those acting in a fiduciary or representative capacity, whether appointed by a court or otherwise. The term "person," as applied to partnerships or other organizations or associations, includes their members, and as applied to corporations, includes their officers.

PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT — Any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public including, but not limited to, inns, taverns, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or consumption on the premises; bars, stores, parks or anywhere that liquor is sold; ice cream parlors, soda fountains and all stores where beverages of any kind are sold for consumption on the premises; drugstores, clinics, hospitals, swimming pools; barber shops, beauty parlors; retail stores; theaters, movie houses; race courses, skating rinks, amusement, recreation parks and fairs; bowling alleys, gymnasiums, shooting galleries and billiard and pool halls; public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses and all education institutions under the supervision of this City; nonsectarian cemeteries; garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports thereof; financial institutions; and all City facilities and services including such facilities and services of all political subdivisions thereof; but shall not include any accommodations which are in the nature distinctly private.

REAL ESTATE BROKER — Any natural person, partnership, corporation or other association which for a fee or other valuable consideration manages, sells, purchases, exchanges or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of, the real property of another, or holds itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, or collects rent for the use of the real property of another, and includes real estate salesmen or agents or any other person employed by real estate broker to perform or to assist in the performance of his business.

RESPONDENT — The person or other entity in a complaint of an unfair housing or employment practice and any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under § 23-512. **[Added 7-11-2011 by Ord. No. 31A-2011]**

SEXUAL ORIENTATION — Actual or perceived heterosexuality, homosexuality or bisexuality.

§ 23-504. Human Relations Commission.

A. There is hereby established in the City of Reading, under the supervision of the Managing Director, a Human Relations Commission to administer, implement and enforce the provisions of this Part.

B. The Commission shall consist of seven members each to be appointed by the Mayor for a four-year term. Commissioners may be reappointed to successive terms of office. Each member of the Commission shall continue to serve after his term until his successor has been appointed and qualified. Vacant seats on the Commission shall be filled within 90 days. **[Amended 7-11-2011 by Ord. No. 31A-2011]**

C. The Commission shall elect one of its members as Chairman and may elect such other officers as it may deem necessary. The Chairman may, with the approval of the Commission, appoint such committees as may be necessary to carry out the powers and duties of the Commission, and the Commission may authorize such committees to take any necessary action for the Commission.

D. The Commission shall adopt such rules and regulations for its own organization, operations and procedures as the Commission shall deem necessary to administer, implement and enforce this Part.

E. The Commission shall hold at least eight meetings during each calendar year. Four members of the Commission, or a majority of current Commission members, shall constitute a quorum for the transaction of business, and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Commission. **[Amended 7-11-2011 by Ord. No. 31A-2011]**

F. The members of the Commission shall serve without compensation, but upon resolution of Council, they may be reimbursed for all necessary expenses incurred in the performance of their duties in accordance with appropriations made by Council.

G. In the event no Commissioner shall be able and available to exercise any of the powers or fulfill any of the duties of the Commission as set forth in § 23-505, the Mayor may appoint one or more Commissioners temporarily to assume the powers and/or fulfill the duties of the Commission. Such appointment may be limited in duration of term and in scope of the power and duties of any Commissioner so appointed.

H. Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Commission will constitute grounds for immediate removal from the Commission by City Council. Failure of a member to attend at least 50% of the regular meetings of the Commission in a calendar year will constitute grounds for immediate removal from the Commission by City Council. The Chairperson of the Commission shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. **[Amended 7-26-2010 by Ord. No. 38-2010[4]]**

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4. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 23-505. Powers and duties of Commission.

The Human Relations Commission shall have the power and it shall be its duty to:

A. Initiate, receive, investigate and seek the satisfactory adjustment of complaints charging unlawful practices, as set forth in this Part.

B. Issue subpoenas for persons and for documents which may be necessary to properly investigate a complaint of discrimination filed pursuant to this Part. Commissioners may not be subpoenaed to testify, nor may a Commissioner be deposed or otherwise interrogated with respect to any action taken on behalf of the Commission. In case of contumacy or refusal to obey a subpoena issued to any person, any court of jurisdiction, upon application by the Commission, may issue to such person an order requiring such person to appear before the Commission there to produce documentary evidence, if so ordered, or there to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof. Any complaint filed under this subsection which the Commission believes may constitute a violation of a law of the United States of America or the Commonwealth of Pennsylvania may be certified to the City Solicitor for such actions as he may deem proper. **[Amended 6-25-2012 by Ord. No. 68-2012]**

C. Hold public hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require the production of evidence relating to any matter under investigation or any question before the Commission, make findings of fact, issue orders and publish such findings of fact and orders and do all other things necessary and proper for the enforcement of this Part.

D. In the performance of its duties, the Commission may cooperate with and, if appropriate, contact interested citizens, private agencies and agencies of the federal, state and local governments, and enter into such agreements as may be necessary to formalize such relationships.

E. Request staff, provided by the City to the Human Relations Commission, other departments, boards and commissions of the City government to assist in the performance of its duties, and such other departments, boards and commissions shall cooperate fully with the Commission; to appoint attorneys and hearing examiners and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law and prescribe their duties. **[Amended 7-11-2011 by Ord. No. 31A-2011]**

F. Hold investigative hearings upon request by Council in cases of racial tension and/or discrimination.

G. Assist in the enforcement of fair practices in City contracts.

H. Render, from time to time, a written report of its activities and recommendations to the Mayor and Council.

I. Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this Part. Such rules and regulations shall be in writing and be made available to parties upon request.

§ 23-506. Unlawful employment practices. [Amended 9-28-2009 by Ord. No. 53-2009]

It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, by the Commonwealth of Pennsylvania, or by any political subdivision of the commonwealth having jurisdiction in the City, or where based upon a bona fide occupational qualification:

A. For any employment to refuse to hire any person or otherwise, to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, non-job-related handicap, or previous filing of a complaint of discrimination.

B. For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, non-job-related handicap or previous filing of a complaint of discrimination.

C. For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny or to withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, and on the job training program or any other occupational training program because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, non-job-related handicap or previous filing of a complaint of discrimination.

D. For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, non-job-related handicap, or previous filing of a complaint of discrimination, except when necessary to affirmatively promote minority hiring or promotion.

E. For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, non-job-related handicap or previous filing of a complaint of discrimination.

F. For any employment agency to fall or refuse to classify properly or refer to employment or otherwise to discriminate against any person because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, non-job-related handicap or previous filing of a complaint of discrimination.

G. For any employer to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this Part, to any employment agency, employment service, labor organization, training school, training center or any other employee referring source which serves persons who are predominantly of the same race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex,

familial status, non-job-related handicap or previous filing of a complaint of discrimination.

H. For any labor organization to discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect this status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, non-job-related handicap or previous filing of a complaint of discrimination.

I. For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this Part or because he had made a complaint or testified or assisted in any manner in any investigation or proceeding under this Part or a substantially similar state and/or federal law.

J. For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be unlawful employment practice by this Part or to obstruct or prevent any person from enforcing or complying with the provisions of this Part or any rule, regulation or order of the Commission, or to attempt, directly or indirectly, to commit any act declared by this Part to be an unlawful employment practice.

K. Notwithstanding any provision of this section, it shall not be an unlawful employment practice for a religious corporation or association to hire or employ any person on the basis of the sex or religion of that person in those certain instances where sex or religion is a bona fide occupational qualification because of the religious beliefs, practices or observances of the corporation or association.

§ 23-507. Unlawful housing practices. [Amended 9-28-2009 by Ord. No. 53-2009]

It shall be an unlawful housing practice except as otherwise provided in this section:

A. For an owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or otherwise transfer, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation to any person, or to represent that any housing accommodation is not available for any inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise make unavailable any housing accommodation from any person because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person), or previous filing of a complaint of discrimination, or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation or housing accommodations.

B. For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing accommodation any clause, condition or restriction discriminating against, or requiring any other person to discriminate against, any person in the use or occupancy of

such housing accommodation because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age or sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.

C. For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any housing accommodation because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.

D. For any person to:

(1) Refuse to permit, at the expense of the handicapped person, the making of reasonable modifications to the existing premises occupied or to be occupied if such modifications may be necessary to afford the handicapped person full enjoyment of the premises, except that, in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for the requested modification on the renter's agreement to restore the interior of the premises to the condition that existed prior to the modification, reasonable wear and tear excepted.

(2) Refuse to make reasonable accommodations with respect to the rules, policies, practices or services as necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

E. For any person to fail, in connection with the design and construction of multifamily dwellings covered under the provisions of the Federal Fair Housing Act, and after March 13, 1991, to design and construct dwellings in such a manner that such dwellings are not accessible within the meaning of the Federal Housing Act.

F. The dwellings have at least one building entrance on an accessible reroute, unless it is impractical to do so because of the terrain or unusual characteristics of the site:

(1) With respect to a dwelling with a building entrance on an accessible route:

(a) The public use and common portions of the dwellings are readily accessible and usable by handicapped persons.

(b) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs.

(c) All premises with covered multifamily dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. As used in this section, the term "covered family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

G. For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status or handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person).

H. For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agent or employee thereof, regardless of whether application is made for financial assistance for the purchase, sale, lease, acquisition, brokering, appraisal, construction, rehabilitation, repair, maintenance or the purchasing of loans or providing other financial assistance for purchasing, constructing improving, repairing or maintaining a dwelling or secured by residential real estate of any housing accommodation or housing accommodations:

(1) To discriminate against any person or group of persons because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination of such person or group of persons or of the prospective occupants or tenants of such housing accommodation in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith.

(2) To use any form of application for such financial assistance or to make any record of inquiry in connection with application for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination.

I. For any real estate broker or real estate salesman or agent, or any other person for business or economic purposes, to induce, directly or indirectly, or to attempt to induce directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accommodation by representing that a change has occurred or will or may occur with respect to racial, religious or ethnic composition of the street, block, neighborhood or area in which such housing accommodation is located, or to communicate to any prospective purchaser or renter of a dwelling that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, sex, handicap, or familial status.

J. For any person to deny another access to, or membership or participation in a multiple listing service, real estate brokers organization, or other service because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or to discriminate with respect to the terms or conditions of such access, membership or participation therein because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or to discriminate with respect to the terms or conditions of such access, membership or participation therein because of race, color,

religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

K. For any person, whether or not a real estate broker, real estate salesman or agent, owner or lending institution to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful housing practice under this Part, or to obstruct or prevent enforcement or compliance with the provisions of this Part or any rule, regulation or order of the Human Relations Commission, or to attempt, directly or indirectly, to commit any act declared by this Part to be an unlawful housing practice.

L. For any person to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this Part.

M. For any person, based on the racial or ethnic composition of a community, neighborhood or development, or based on the characteristics of an individual or individuals which place such individual or individuals within a class protected by this Part, to discriminate with respect to the provision of municipal services or with respect to the provision of property, casualty, fire, hazard or other similar insurance.

N. With respect to any property held for noncommercial purpose, nothing in this section shall bar any religious or denomination, institution or organization or charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from limiting preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is reasonable for the organization to promote the religious or fraternal principles, aims or purposes for which such organization is established or maintained unless membership in such religious or denominational institution or organization or charitable or educational organization is restricted on account of race, color or national origin.

§ 23-508. Unlawful lending practices. [Amended 9-28-2009 by Ord. No. 53-2009]

It shall be an unlawful lending practice for a lending institution:

A. To deny, withhold, limit or otherwise discriminate against any person or group of persons because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination, in lending money or extending credit.

B. To establish unequal terms or conditions in the contract for loans and mortgages, or other extensions of credit because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination.

§ 23-509. Unlawful public accommodation practices. [Amended 9-28-2009 by Ord. No. 53-2009]

It shall be an unlawful public accommodation practice:

A. For any owner, lessor, proprietor, manager, agent or employer of any business or place of public accommodation, resort, recreation or amusement to:

(1) Refuse, withhold from or deny to any person because of his race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status handicap or previous filing of a complaint of discrimination, either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort or amusement.

(2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or that the patronage of any person of any particular race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination is unwelcome, objectionable or not acceptable, desired or solicited.

B. For any person, whether or not included in this section, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful public accommodations practice under this subsection.

§ 23-510. Obstruction of fair practices.

It shall be unlawful for any person, whether or not within the named classifications set forth in this Part, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice under this Part, or to obstruct or prevent enforcement of compliance with the provisions of this Part or any rule, regulation or order of the Human Relations Commission or to attempt, directly or indirectly, to be an unlawful practice.

§ 23-511. City contracts.

A. All contracts of the City and its contracting agencies shall obligate the contractor to comply with this Part and with any state or federal law or laws or regulations relating to unlawful employment practices in connection with any work to be performed thereunder, and shall require the contractor to include a similar provision in all subcontracts.

B. The Human Relations Commission shall promulgate rules and regulations for the processing of complaints of discrimination received under this section.

§ 23-512. Procedure.

A. A complaint charging that any person has engaged, is engaging or will engage in any unlawful practice as set forth in this Part may be made by the Human Relations

Commission, or to the Commission by an aggrieved person or by an organization which has one of its purposes the combating of discrimination for the promotion of equal opportunities, and any complaint may be amended by the complainant or the Commission at any time before final action has been taken by the Commission, in accordance with such rules and regulations as the Commission shall prescribe. No complaint shall be considered unless it is filed with the Commission within 180 days after the occurrence of the alleged unlawful practice.

B. The complaint shall be in writing, signed, verified and include the name and address of the person or persons alleged to have committed the unlawful practice and the particulars thereof, and such other information as may be required by the Commission. **[Amended 7-11-2011 by Ord. No. 31A-2011]**

C. After the filing of any complaint, or whenever there is reason to believe that an unlawful discriminatory practice has been committed, the Commission shall make a prompt investigation in connection therewith. The Commission shall commence proceedings on any formal complaint within 30 days of the filing. Within 10 days of docketing the complaint, the parties shall each receive a copy of the complaint along with a concise statement of the procedural rights of such parties, unless otherwise impracticable to do so. The respondent shall be afforded the right to file an answer to such complaint within 10 days, but failure to file such answer shall not prevent the Commission from commencing its investigation as provided herein. Upon filing of the complaint, the Commission shall encourage voluntary and informed predetermination settlements between parties. **[Amended 7-11-2011 by Ord. No. 31A-2011]**

D. The Commission shall institute and complete the investigation of any formal complaint within 100 days of the filing of the formal complaint, unless it is impracticable to do so. **[Amended 7-11-2011 by Ord. No. 31A-2011]**

E. If, pursuant to its investigation, the Commission shall determine that there is no basis for the allegations in a complaint, the complaint shall be dismissed and the complainant and respondent notified in writing of such determination. Within 20 days from the receipt of such notice, the complainant or his attorney, if any, may file with the Commission a request for review and the Commission shall provide the parties and their attorneys an opportunity to appear before the Commission or a member thereof for such purpose. After such a review, the Commission may reverse its decision or, if the Commission or its representative determines that there is no basis for the allegation, the dismissal of the complaint shall be affirmed and there shall be no further review of such decision.

F. If the Commission determines after investigation that probable cause exists for the allegations made in the complaint, it shall promptly notify the parties in writing and may attempt to eliminate the alleged unlawful practice by means of private conferences, meetings or conciliation with all parties. Any conciliation agreement arising from such efforts shall be in writing, signed by the parties or their representative, and shall be subject to the approval of the Commission. A conciliation agreement shall be made public unless the parties otherwise agree and the Commission determines that disclosure of the terms of the agreement is not required to further the purpose of this Part.

G. Prompt judicial action. If the Commission determines that a housing accommodation or housing accommodations involved in a complaint of an unlawful housing practice under § 23-507 may be sold, rented or otherwise disposed of before a determination of the

case has been made, and the Commission believes that judicial action is necessary to effectuate the purpose of this Part, the Commission may request the City Solicitor to seek an injunction restraining the sale, rental or other disposition of the housing accommodation or housing accommodations in accordance with the provisions of § 9.1 of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, added by Act No. 533, approved January 24, 1966,[5] as hereafter amended, supplemented or modified by the General Assembly of Pennsylvania. **[Amended 7-11-2011 by Ord. No. 31A-2011]**

H. In any case of failure to eliminate the unlawful practice charged in the complaint by means of informal proceedings, or in advance thereof, if, in the judgment of the Commission the facts so warrant, the Commission may hold a public hearing to determine whether or not an unlawful practice has been committed. Without holding such a hearing, the Commission may certify the case to the City Solicitor in accordance with Subsection G, hereof.

I. Where a public hearing is ordered, the Executive Director of the City of Reading Human Relations Commission shall designate one or more members or a Hearing Examiner to conduct such a hearing. The Commission shall serve upon the person charged with having engaged or engaging in the unlawful practice a notice of the time and place of the hearing. In addition, the Commission shall provide the Respondent with notice of procedural rights and obligations. The hearing shall be held within 120 days following the issuance of the probable cause determination unless it is impracticable to do so. **[Amended 7-11-2011 by Ord. No. 31A-2011]**

J. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney or, subject to the approval of the hearing panel, by any other person, and to examine and cross-examine witnesses. The complainant shall also have the right to be represented by an attorney or, subject to the approval of the hearing panel, by any other person. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and shall be transcribed.

K. With respect to a complaint alleging an unlawful housing practice arising under § 23-507, in lieu of proceeding before the Commission pursuant to this subsection, any party may elect, within 20 days of receipt of the charge, to have the claims contained in the charge decided in a civil action tried by a court of competent jurisdiction. The party making such election shall notify the Commission and all other interested parties within 10 days of making such election. The complainant shall be represented by an attorney in a civil action instituted pursuant to an election made under this subsection. Representation of the complainant shall be at the Commission's expense and such representation shall include presentation of the complainant's case at the public hearing.

L. One or more Commissioners of the Commission or a permanent hearing examiner designated by the Commission shall constitute the Commission for any hearing required to be held by the Commission. The recommended findings, conclusions and order made by this (these) members or by the hearing examiner will be reviewed and approved or reversed by the Commission. A vote by a majority of the Commissioners shall be necessary to find that the respondent has engaged in an unlawful practice. A decision shall be rendered within 45 days of the close of testimony or the final post-hearing submission of the parties, if any, unless it is impracticable to do so. **[Amended 7-11-2011 by Ord. No. 31A-2011]**

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5. Editor's Note: See 43 P.S. § 959.1.

M. If upon all the evidence presented, the Commission finds that the respondent has not engaged in any unlawful practice, it shall state its findings of fact in writing and dismiss the complaint. If upon all the evidence presented, the Commission finds that the respondent has engaged or is engaging in an unlawful practice, it shall state its findings of fact in writing and shall issue such order in writing as the facts warrant to effectuate the purposes of this Part. Such order may require the respondent to cease and desist from such unlawful practice and to take such affirmative action including, but not limited to, the hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the selling, renting or leasing of a housing accommodation or housing accommodations upon equal terms and conditions and with such equal facilities, services and privileges, the tendering of money, whether or not secured by mortgages or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, the granting, permitting, selling or admission to any of the accommodations, advantages, facilities, services or privileges, products or goods of any respondent place of public accommodation, resort, recreation or amusement, upon such equal terms and conditions to any person discriminated against or to all persons as, in the judgment of the Commission, shall effectuate the purposes of this Part and are warranted by the facts presented at the hearing, including a requirement for a report or reports of the manner of compliance. Compensatory damages may be awarded in appropriate circumstances for a violation of any of the provisions of § 23-507. Copies of the order shall be served on all parties.

N. Any adjudication made by the Commission shall be in writing and dated, and shall be deemed to be a final adjudication five days after the date of issuance thereof. Parties shall have 30 days from the final adjudication to appeal the decision of the Commission to the Berks County Court of Common Pleas. An appeal from the Commission's order shall act as a supersedeas and stay enforcement of such order until a final disposition of the appeal.

O. The Commission shall make a final administrative disposition of a formal complaint within one year of the date of receipt of such complaint unless it is impracticable to do so. If the Commission is unable to dispose of the complaint within the time limitation set forth herein, it shall notify the parties in writing of such fact and the reasons therefor. Should the Commission fail to finally adjudicate or otherwise dispose of a formal complaint within the time limit of the filing thereof, any party may commence a civil action for the enforcement of this Part in an appropriate court of competent jurisdiction no later than two years after the occurrence or termination of the alleged discriminatory act or practice.

P. An aggrieved person may commence a civil action whether or not a complaint has been filed under this section and without regard to the status of any such complaint. There shall be no need for a complainant to exhaust administrative remedies with respect to a complaint that could be brought under § 23-507, so long as any action brought is commenced within one year of the alleged discriminatory housing practice. The court in which any such action is brought shall be empowered, in appropriate circumstances, to award compensatory and punitive damages as well as equitable relief. However, if the Commission has obtained a conciliation agreement with the consent of the aggrieved person, no action may be filed by such aggrieved person with respect to the discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such agreement.

§ 23-513. Enforcement.

In the event the respondent refuses or fails to comply with any order of the Human Relations Commission or violates any of the provisions of this Part, the Commission shall certify the case and the entire record of its proceedings to the City Solicitor, who shall invoke the aid of an appropriate court to secure enforcement or compliance with the order or to impose the penalties set forth in § 23-514, or both.

§ 23-514. Violations and penalties.

A. In addition to any other remedies provided herein, upon a finding of a violation of any provision of this Part relating to unlawful discriminatory housing practices, or any rule or regulation pertaining thereto adopted by the Human Relations Commission, or any order of the Commission, shall be subject to a civil penalty of not more than: **[Amended 7-11-2011 by Ord. No. 31A-2011]**

(1) Sixteen thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory housing practice in any administrative hearing or civil action permitted under the Fair Housing Act or any state or local fair housing law, or in any licensing or regulatory proceeding conducted by a federal, state or local governmental agency.

(2) Thirty-seven thousand five hundred dollars if the respondent has been adjudged to have committed one other discriminatory housing practice in any forum set forth in Subsection A(1), hereof and the adjudication was made during the five-year period preceding the date of filing of the charge.

(3) Sixty-five thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices in any forum set forth in Subsection A(1) hereof, and the adjudications were made during the seven-year period preceding the date of filing of the charge.

B. Respondent shall also be responsible for costs and shall be subject to imprisonment for not more than one year. The Commission, in its discretion, may allow the prevailing party other than the Commission a reasonable attorney's fee and costs. Monetary awards may be given under appropriate circumstances the amount of which shall be based on the record made before the Commission and may include damages caused by humiliation and embarrassment.

PART 6

Charter Board

[Adopted 7-25-2005 by Ord. No. 46-2005 (Ch. 1, Part 5L, of the 2001 Code of Ordinances)]

§ 23-601. Title; purpose.

A. Title. The title of this Part shall be the City of Reading Charter Board Ordinance.

B. Purpose of ordinance. The purpose of the City of Reading Charter Board Ordinance is to provide, through the institution of the City of Reading Charter Board ("Board"), for the implementation of Amendment I of the Reading City Charter, which is entitled "Enforcement of Charter."[6]

§ 23-602. Organization of Charter Board.

A. Composition and structure of Board.

(1) Composition. The Board established under Amendment I of the City of Reading Home Rule Charter ("Charter") shall be composed of five residents of the City of Reading. Board members shall be appointed by the Mayor with the consent of City Council.

(2) Terms of service. Members of the Board shall serve for terms of five years, except that the members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with members serving terms of one, two, three, four, and five years, respectively.

(3) Vacancy. An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.[7]

(4) Election of Chairperson and Vice Chairperson. The Board shall elect a Chairperson and Vice Chairperson upon seating of the members and thereafter annually at a meeting held in July of each year. The Vice Chairperson shall act as the Chairperson in the absence of the Chairperson or in the event of a vacancy in that position.

(5) Quorum. A majority of the members of the Board shall constitute a quorum and the votes of a majority of the members present are required for any action or recommendation of the Board.

(6) Staff. The Board shall appoint a Solicitor, a secretary, and such other staff as may be deemed necessary. The Solicitor, secretary, and such other staff as may be necessarily appointed shall not be members of the Board.

(7) Meetings. The Board shall meet at the call of the Chairperson or at the call of a majority of its members.

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6. Editor's Note: Amendment I, Enforcement of Charter, of the Reading City Charter is located at the end of the Home Rule Charter.

7. Editor's Note: Former § 1-599.22D, Removal of members, added 8-23-2010 by Ord. No. 59-2010, which immediately followed this subsection, was repealed 3-26-2012 by Ord. No. 39-2012.

(8) Investigative Officer.

(a) The Board shall appoint an investigative officer ("Investigative Officer") who shall serve at the pleasure of the Board. The Investigative Officer is charged with determining jurisdiction, conducting preliminary and full investigations, issuing written findings reports, prosecuting complaints before evidentiary hearings, and performing such other duties as set forth herein. The Investigative Officer shall conduct his/her work independently and without comment or inquiry from the Board, except as provided in Subsection A(8)(d) below.

(b) The Investigative Officer shall be a member in good standing of the Pennsylvania Bar Association and shall have so been for at least five years. The Investigative Officer need not be a resident of the City of Reading and shall not be a Board member. The Investigative Officer is authorized to retain the services of an investigator and other professional staff and/or consultants, and shall only delegate nondiscretionary functions.

(c) The Investigative Officer shall not be the current or former Solicitor to the Board and the Investigative Officer shall not serve in the future as Solicitor to the Board on any matter investigated or prosecuted by the Investigative Officer. Furthermore, the Investigative Officer shall not seek the advice of the Solicitor to the Board, and the Solicitor to the Board shall not seek the advice of the Investigative Officer, on substantive aspects of any complaint or referral before the Board.

(d) In addition to all other responsibilities of the Investigative Officer, he/she shall provide to the Board every six months a summary of each complaint received, its procedural status, and if it has been dismissed, the reasons for its dismissal. Said summary shall not contain any identifying information of any person involved as a witness, complainant or subject of the complaint.

B. Prohibitions. Due to the nature of their appointment, Board members have a duty to avoid any known conflicts of interest, especially actions or behaviors in violation of the City Charter or its full and impartial enforcement. The prohibitions in this section are in addition to all other duties, responsibilities, and obligations imposed upon Board members.

(1) No member may hold or campaign for any other public office.

(2) No member may hold office in any political party or political organization or political committee.

(3) No member may hold a position of employment with City government or appointment to any other board, authority, or commission formed by the City of Reading.

(4) No member may actively participate in or contribute to any political campaign in the City of Reading for a candidate running for the office of Mayor, President of Council, Council member, or Auditor. This does not abridge the right of a member to vote or attend a debate, speech or similar event that is held primarily for the purpose of communicating a candidate's platform or position on issues of public concern.

(5) No member shall receive compensation but shall be reimbursed by the City for documented expenses actually incurred.

C. Mandate to fund. City Council shall appropriate sufficient funds for the Board to perform its enforcement, advisory, and educational duties, including expenses for independent counsel, investigative personnel, investigations, hearings, appeals, staff, any other necessary personnel, and professional educational programming.

§ 23-603. Powers and duties of Charter Board.

A. Charter enforcement powers. The Board shall have the following powers and duties with respect to Charter enforcement. It shall:

(1) Hear and decide all complaints alleging violations of the Charter and Administrative Code, except that its jurisdiction shall not extend to cases arising under the Ethics Code or the Personnel Code of the City of Reading.

(2) Impose penalties and administrative fines and refer matters to law enforcement, regulatory, or other authorities with jurisdiction over these matters.

(3) Initiate preliminary investigations on its own motion, through the Investigative Officer.

(4) Appoint an Investigative Officer to conduct investigations and to issue findings reports where appropriate.

(5) Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investigation before the Board, and issue orders, including but not limited to adjudications and penalties.

(6) Adopt rules and regulations to administer, implement, enforce and interpret the Board ordinance.

(7) Have all other powers necessary and appropriate to effectuate the purposes set forth herein and in Amendment I of the Charter.

B. Charter advisory powers. The Board shall have the power to issue advisory opinions on matters concerning the interpretation of the Charter and Administrative Code. The enumeration of this power shall in no way diminish any of the foregoing enforcement powers of the Board.

C. Charter educational powers. The Board shall have the following powers and duties with respect to Charter education. It shall:

(1) Direct and administer, with professional assistance, the required orientation of all newly elected City officials at the commencement of their initial full term of office.

(2) Be responsible, proactively and on an ongoing basis, for educating the public and members of City government as to their rights, duties, and obligations under the Charter and Administrative Code.

§ 23-604. Standards for interpretation of Reading City Charter and Administrative Code.

A. Standards for Charter interpretation: intent controls.

(1) The object of all interpretation and construction of Charter provisions is to ascertain and effectuate the intent of the authors of the Charter.

(2) When the words of a Charter provision are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

(3) When the words of a Charter provision are not explicit, the intent of the authors of the Charter shall be ascertained by considering:

(a) The mischief to be remedied.

(b) The object to be attained.

(c) The circumstances under which it was enacted.

(d) The contemporaneous legislative history.

B. Standards for Administrative Code interpretation: intent controls.

(1) The object of all interpretation and construction of Administrative Code provisions is to ascertain and effectuate the intent of the enacting City Council.

(2) When the words of an Administrative Code provision are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

(3) When the words of an Administrative Code provision are not explicit, the intent of the enacting City Council shall be ascertained by considering:

(a) The mischief to be remedied.

(b) The object to be attained.

(c) The circumstances under which it was enacted.

(d) The contemporaneous legislative history.

C. Refinements of interpretative standards. The standards set forth in Subsections A and B above may be refined only in accordance with the Statutory Construction Act, 1 Pa.C.S.A. § 1501 et seq., which is binding for the interpretation of all home rule charters through Cottone v. Kulis, 460 A.2d 880 (Pa. Commonwealth, 1983), and for the interpretation of all municipal ordinances through Ciavarella et ux. Appeal, 484 A.2d 420 (Pa. Commonwealth, 1984).

§ 23-605. Enforcement.

A. Procedure.

(1) Standing.

(a) Any taxpayer, or aggrieved person, may file a complaint about alleged violations of the Charter or Administrative Code. The person signing a complaint shall:

[1] Reasonably believe in the existence of facts upon which the claim is based.

[2] Reasonably believe that the complaint may be valid under the Charter or Administrative Code.

(b) In addition, the Board may initiate preliminary investigations on its own motion, through the Investigative Officer.

(2) Filing of complaint.

(a) Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities. The Board shall establish a separate post office box through which to receive complaints. This post office box shall be generally accessible by the Investigative Officer and/or the secretary, provided that the secretary is not a Board member.

(b) No member of the Board shall review any complaint until after an evidentiary hearing has been requested by the subject of the investigation, or if no evidentiary hearing is requested, then until the submission to the Board of the Investigative Officer's Findings Report.

(c) The complainant may withdraw his or her complaint at any time after its submission, and no further action will be taken with regard to the complaint. Such withdrawal shall be in writing and contain a notarized signature. If a preliminary investigation has already been initiated, the subject of the investigation shall immediately be notified of the withdrawal. The individual's withdrawal of a complaint does not preclude further action by the Board on its own motion.

(3) Determination of jurisdiction.

(a) Each complaint filed with the Board shall immediately be directed to and preliminarily reviewed by the Investigative Officer appointed by the Board to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determination shall be made within seven days of the filing of the complaint. If the Investigative Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however, the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.

(b) Upon determination that the complaint falls within the jurisdiction of the Board, the Officer shall attempt an informal resolution of the issue (as provided by the Rules of Administration and Procedure implemented by the Board. This subsection shall apply to all complaints filed after 60 days from the effective date of the ordinance adopting this amendment to the Charter Board Ordinance, Bill No. 46-2005.) **[Amended 6-22-2015 by Ord. No. 30-2015]**

(c) Concurrent with the attempt at informal resolution, the Investigative Officer shall inform both the complainant and the subject of the complaint of their rights and responsibilities under the formal adjudicative process.

(4) Preliminary investigation.

(a) The preliminary investigation shall be initiated and conducted at the sole discretion of the Officer. If the Officer, in his/her discretion, finds that the alleged violation, would, if proved, constitute a "de minimis" infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint. A de minimis infraction is one that is so insignificant or trifling that enforcement serves merely to exhaust the Board's time and resources. See Bailey v. Zoning Board of Adjustments, 801 A. 2d 492 (Pa., 2002). Furthermore, if the Officer, in his/her discretion, finds that the Board in the instant case cannot provide an adequate or timely remedy, he/she may decline to initiate a preliminary investigation, dismiss the complaint, and advise the complainant of alternative remedies.

(b) At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same and the initiation of a preliminary investigation.

(c) The preliminary investigation shall be completed within 30 days of the Officer's finding of jurisdiction.

(d) If, at any time during the preliminary investigation, an extension is necessary and justified, the Officer may request of the Board one fifteen-day extension, which shall be granted as of course. The Officer shall notify both the complainant and the subject of the investigation of such extension.

(e) At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

(5) Full investigation. If preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within three days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every 45 days. Within 90 days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a findings report ("findings report").

(6) Findings report.

(a) The findings report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation.

(b) Within 20 days of the issuance of the report, the subject of the investigation may make a request in writing to the Officer for an evidentiary hearing, and such request shall be granted as of right. When the Officer receives such a request, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Investigative Officer shall then prepare facts in support of the complaint and present them at the evidentiary hearing.

(c) If the subject of the investigation does not request an evidentiary hearing within 20 days of the issuance of the findings report, the Officer shall immediately notify the Board of the names of the parties involved and shall deliver to the Board the findings report.

(7) Evidentiary hearing.

(a) Timing. An evidentiary hearing must be held within 45 days of the filing of a request for same.

(b) Procedure.

[1] The subject of the investigation shall have reasonable access to any evidence intended to be used at the hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross-examine witnesses against him/her, submit argument, and shall be entitled to exercise all rights afforded him/her by the United States Constitution and the Pennsylvania Constitution which apply to this type of hearing.

[2] The formal rules of evidence will not apply to hearings; however, they may be used as a guide for determining the evidence admitted at the hearing.

[3] Testimony shall be given under oath or affirmation, and witnesses shall be subject to cross-examination.

[4] A stenographic record shall be taken of all evidentiary hearings.

[5] The Investigative Officer will present his/her case followed by the case of the subject of the complaint. Each party may make an opening and closing statement, unless otherwise directed by the Board.

[6] Subpoenas may be issued at the request of the parties to the hearing on the approval of the Board. Information subpoenaed shall be relevant and not privileged.

[7] The Board shall possess and be afforded all other powers, rights, privileges, and immunities, afforded to quasi-judicial bodies in the Commonwealth of Pennsylvania.

(c) Closed hearing. The hearing shall be closed to the public unless the subject requests an open hearing, in writing, to the Board at least five days before the hearing.

(d) Solicitor. The Board shall be represented by its Solicitor. The Solicitor shall assist the Board in carrying out its functions during the evidentiary hearing, may examine witnesses, documents and things to the same extent as the Board, may make evidentiary rulings and advise the Board concerning same, assist in the preparation and review of the final order, and otherwise advise and counsel the Board as necessary.

(8) Decision by the Board: final order.

(a) Following evidentiary hearing. At the conclusion of the evidentiary hearing, and in a timely manner, the Board shall deliberate on the evidence to determine whether the subject of the complaint violated the Charter or the Administrative Code. The Board's decision shall be by a majority vote of those members present.

(b) Where no evidentiary hearing is requested. If the subject of the complaint does not request an evidentiary hearing, the Board shall decide by a majority vote of those members present whether the findings report supports a determination that the subject of the complaint violated the Charter or Administrative Code.

(c) Final order. The final order of the Board shall contain findings of fact and conclusions of law in accordance with the Local Agency Law, 2 Pa.C.S.A. §§ 551 through 555. A copy of said order shall be delivered immediately to both the complainant and the subject of the complaint by certified United States mail, return receipt requested. The Board shall render its decision and issue a final order:

[1] Within 30 days of the conclusion of the evidentiary hearing.

[2] In the instance where no evidentiary hearing is requested, within 60 days of the issuance of the findings report.

(9) Right to appeal.

(a) Any person aggrieved by an adjudication of the Board who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals pursuant to Title 42 (relating to judiciary and judicial procedure). All such appeals shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§ 751 through 754.

(b) In the instance of an appeal from an adjudication of the Board, representation of the Board shall be by its Solicitor.

(10) Protection of complainant. No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade, or compensation, denied a promotion, or threatened, for a good faith filing of a complaint with the Board, or for providing information or testifying in any Board proceeding.

(11) Costs of Charter enforcement. Any person who prevails in any legal action against the City, its officers or agents to enforce this Charter or the Administrative Code pursuant to it, shall be entitled to recover all reasonable attorney's fees and costs incurred in such action.

B. Violations and penalties.

(1) Violations. The violation of any section of the Charter or Administrative Code, in whole or in part, shall constitute a violation under the jurisdiction of the Board, except that the Board's jurisdiction shall not extend to cases arising under either the Ethics Code or the Personnel Code.

(2) Penalties; other remedies.

(a) Penalties.

[1] Factors to be considered. Before the imposition of any penalty (as opposed to restitution or other remedy), the Board shall consider the following factors and address the relevant factors in its final order:

[a] The seriousness of the offense.

[b] The substantive effect the offense has on the application of the Charter and its purposes.

[c] Whether the subject of the complaint has had previous decisions entered against him/her by the Board.

[d] The number of violations involved.

[e] Whether the violations were the result of willful or intentional conduct, recklessness, negligence, oversight or mistake.

[f] The consequences of the violation.

[g] Any other factors relevant in determining the type and severity of the penalty to be imposed.

[2] Penalties. Upon the finding of any violation, the following penalties shall be available to the Board for imposition, in addition to and not withstanding restitution and other remedies listed in Subsection B(2)(b) below:

[a] Admonition, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, and Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the Charter or Administrative Code.

[b] Public censure, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the

complainant, if any, and the news media indicating that a violation of the Charter or Administrative Code took place and that the Board strongly disapproves of the public official's or public employee's actions.

[c] Suspension, without compensation for a stated period of time not to exceed 30 days, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any.

[d] Termination, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any.

[e] Referral to the appropriate authorities for criminal prosecution in cases where a violation of the Charter or Administrative Code is also a violation of federal or state law.

[f] Imposition of a fine, not to exceed $1,000 per violation.

[g] Imposition of an administrative fine of not more than $1,000 to defray the actual cost and expense of investigating any violation.

(b) Other remedies. Upon the finding of any violation, the Board may take one or more of the following actions, in addition to and notwithstanding the penalties listed in Subsection B(2)(a)[2] above:

[1] Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Administrative Code or Charter.

[2] Order the subject to cease and desist from engaging in a particular activity that is in violation of the Administrative Code or Charter.

[3] Order the subject to take specified action to bring him/her into compliance with Board directives.

[4] Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction over these matters.

[5] Institute appropriate civil or equitable action to enforce the order and decision of the Board.

[6] Recommend to City Council the forfeiture of the office held by the subject with the City in accordance with Charter §§ 206, 305, and 504.

C. Board information.

(1) Confidentiality of Board information. All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board. The final order shall become a public record at the time the Board renders its decision and issues a final order. All other records and proceedings shall remain confidential except: **[Amended 4-8-2013 by Ord. No. 16-2013]**

(a) As necessary to effect due process.

(b) For the purpose of seeking advice of legal counsel.

(c) For the purpose of filing an appeal from a final order.

(d) For hearings conducted in public according to Subsection A(7).

(e) For communicating with the Board or its staff, in the course of an investigation or hearing or before a final determination is made by the Board.

(f) For consulting with law enforcement officials for the purpose of initiating, participating in, or responding to an investigation or hearing.

(g) For testifying under oath before a governmental body.

(h) For information relating to a complaint, investigation, or hearing which is disclosed by the subject of such complaint, investigation, or hearing.

(i) For the divulgence by individuals who are interviewees to confidential Board proceedings as to information that was already in their possession or as to their own statements.

(j) For the publication or broadcast of information legally obtained by the news media regarding a confidential Board proceeding.

(2) Board records.

(a) All final orders of the Board shall be kept on public file at the Office of the City Clerk. The City Clerk shall also file copies of all final orders of the Board with the Law Library of Berks County Court of Common Pleas.

(b) All confidential records and proceedings of the Board shall be kept on closed file at the Office of the City Clerk.

D. Wrongful use of Charter Board.

(1) Complaints directed to the Board must be based on fact and a reasonable belief of a Charter violation. Wrongful use of the Board is prohibited and any person engaged in such conduct may be subject to penalties as set forth in Subsection B.

(2) Wrongful use of the Board is defined as either:

(a) Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without basis in law or fact and was made for a purpose other than reporting a violation of the Charter or Administrative Code. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim, and either reasonably believes that under those facts the complaint is valid or acts upon the advice of

counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.

(b) Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, in violation of Subsection C above.

§ 23-606. Advisory opinions.

A. Upon written request of any public official or City employee, or without such request should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of home rule or enforcement of the City Charter. All advisory opinions shall be issued in writing and may include any redactions necessary to prevent disclosure of the identity of the person who is a subject of the opinion.

B. An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion.

C. Advisory opinions shall be issued as expeditiously as possible, and in no case later than 30 days following the receipt of the written request.

§ 23-607. Educational duties of Charter Board.

A. Overview. The educational duties of the Board are two-fold:

(1) It shall direct and administer, with professional assistance, the required orientation of all elected City officials at the commencement of their terms.

(2) It shall, proactively and on an ongoing basis, educate the public and members of City government as to their rights, duties and obligations under the City Charter and Administrative Code.

B. Orientation of elected City officials.

(1) A basic orientation course shall provide comprehensive information on Home Rule Law, the City Charter, the City Administrative Code, and the City Ethics Code. Other topics to be included in the course are: the impact of the Pennsylvania Constitution and other pertinent legal statutes on City government; a review of the City budget, including all City employees' labor agreements; and Roberts Rules of Order. This course shall be directed and administered by the Board, with assistance from the Pennsylvania Department of Community and Economic Development, the State and County Bar Associations, the Ethics Board, and any other resources the Board deems appropriate.

(2) Any elected official who, in the determination of the Board, completes this course within four months of their initial full term will receive a bonus of $250.

(3) City Council shall provide sufficient funds to ensure a thorough and professional orientation.

C. Educating the public and members of City government.

(1) Educating the public and members of City government about their rights, duties and obligations promotes involvement and participation for more effective and efficient government. The Board, with the assistance of resources deemed appropriate by the Board, shall conduct these educational programs in various formats. Educational information can be disseminated in a variety of formats: public meetings, printed materials such as inserts in tax and water bills; handbooks; web site; community newsletter; interactive local television programming.

(2) Funds shall be made available to the Board for the ongoing educational program of the public and members of City government.

PART 7

Minority Business Procurement Advisory Board
[Adopted 9-12-2005 by Ord. No. 56-2005 (Ch. 1, Part 5M, of the 2001 Code of Ordinances)]

§ 23-701. Policy.

It is the policy of the City, state and federal governments to foster an environment of inclusion in which all businesses are free to participate in business opportunities and to flourish without the impediments of discrimination. Businesses participating in these contracts shall do so on a fair and equitable basis. Vendors on these contracts shall not discriminate against any business because of race, color, religion, national origin, sex, sexual orientation or disability.

§ 23-702. Definitions.

For the purpose of this Part, the following terms shall have the following respective definitions:

AGE — Includes any person 40 and above and shall also include any other person so protected by further amendment to the Federal Age Discrimination in Employment Act.

AGENCY — Any City office, department, board or commission, including but not limited to the Council of the City of Reading. It shall also mean all legal entities which either:

A. Receive funds, directly or indirectly, from the City, state or federal governments.

B. Have entered into continuing contractual or cooperative relationships with the City, including quasi-public agencies, hospitals, schools, etc.

C. Operate under legal authority granted to them by City ordinance.

AGGRIEVED PERSON — Includes such person or persons who believe that they have been injured or will be injured by a discriminatory employment act or practice that has occurred or is about to occur.

CITY CONTRACTS — All City contracts, whether competitively bid or negotiated, including but not limited to, any construction contract with a total value in excess of $10,000 which:

A. Is paid for in whole or in part with City, state or federal funds.

B. Is financed either wholly or partially by state or federal funds which are administered by the City.

C. Is funded in whole or in part by Financial Assistance (See § 23-706 below).

DISABLED PERSON — A person who has a physical or mental impairment which substantially limits one or more of his or her major life activities or has a record of such impairment. "Major life activities" shall mean functions, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

DISADVANTAGED BUSINESS ENTERPRISE or DBE — Any small business enterprise:

A. Which is at least 51% owned and controlled by one or more socially and economically disadvantaged individuals.

B. In the case of any publicly owned business, one in which at least 51% of the stock is owned by one or more socially and economically disadvantaged individuals, associations or groups; provided, however, that a reputable presumption shall exist that any person that has received more than $5,000,000 in three consecutive years of contract work from the City is not a DBE, and; provided further, that any previous certification of any such person as a DBE shall be reevaluated pursuant to regulations to be promulgated by the MBEC.

DISCRIMINATE and DISCRIMINATION — Includes any difference in treatment based on race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

DISPARITY ANALYSIS — In the City of Reading, the level of DBEs are underutilized in the performance of various types of contracts.

FAMILIAL STATUS — One or more individuals, who have not obtained the age of 18 years being domiciled with:

A. A parent or another person having legal custody of such individual or individuals.

B. The designee of such parent having such custody, with the written permission of such parent or other person.

C. Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FINANCIAL ASSISTANCE — Any grant, loan, incentive or abatement provided by, or with the authority or approval of, the City or a City-related agency, including but not limited to bond financing subsidies, tax increment financing aid, industrial development bonds, use of the power of eminent domain, land or property acquisition, Community Development Block Grant loans or grant, airport revenue bonds, Enterprise Zone designations, and aid from any federal, state or City or other similar agencies.

INDIVIDUAL — A natural person.

HANDICAP — With respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of having such an impairment; or being regarded as having such an impairment.

MBE — Minority business enterprise.[8]

MCA — The Minority Contractors Association.

MINORITY BUSINESS PROCUREMENT ADVISORY BOARD (MBPAB) — The entity within the Administrative Services Department responsible for the development, implementation, monitoring and enforcing the procedures and goals set forth in this chapter.

MINORITY PERSON — A person who is a citizen or lawful permanent resident of the United States and who is:

A. African American (a person having origins in any of the black racial groups in Africa).

B. Hispanic American (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race).

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8. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

C. Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands).

D. Native American (a person having origins in any of the original peoples of North America).

NON-JOB-RELATED HANDICAP OR DISABILITY — Any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in, or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job-related.

PERSON — A corporation, partnership or association, or any combination thereof, as well as a natural person.

SMALL BUSINESS ENTERPRISE or SBE — A business which is independently owned and operated and which is not dominant in its field of operation as further defined in the Small Business Size Regulations, adopted by the U.S. Small Business Administration and published in the U.S. Code of Federal Regulations, including the industry size standards set forth in the table contained therein, which regulations are incorporated herein, and made a part hereof by reference.

SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS — Those who have either been subjected to racial, sexual or ethnic prejudice because of their identity as a member of a group or to differential treatment because of their disability without regard to their individual qualities, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business who are not socially disadvantaged.

A. In determining who are socially and economically disadvantaged individuals, the Minority Business Procurement Advisory Board may make a reputable presumption that all minority persons, all women and all disabled persons shall be so classified.

B. The Minority Business Procurement Advisory Board, in determining whether an individual shall be classified as a socially and economically disadvantaged individual, shall also consider, among other things, the extent of the liquid assets and net worth of such socially disadvantaged individuals.

WOMEN BUSINESS ENTERPRISE or WBE — Any Women Business Enterprise:

A. Which is at least 51% owned and controlled by one or more socially and economically disadvantaged women.

B. In the case of any publicly owned business, one in which at least 51% of the stock is owned by one or more socially and economically disadvantaged women, associations or groups; provided, however, that a reputable presumption shall exist that any person that has received more than $5,000,000 in three consecutive years of contract work from the City is not a WBE, and; provided further, that any previous certification of any such person as a WBE shall be reevaluated pursuant to regulations to be promulgated by the MBEC.

§ 23-703. Minority Business Procurement Advisory Board.

A. Stated mission. To advise administration on issues and policies concerning enhance participation, to the maximum extent feasible, in employment practices at all levels, included but not limited to apprenticeship programs, training programs, etc., for MBEs,

DBEs, WBEs, and the lower-to-moderate income residents, etc. within the distressed areas as mandated by City, state and federal governments regulations.

B. Meeting dates. First week of the month.

C. Appointment by Mayor (usually with recommendations from sitting Board members and the Minority Contractors Association) with the approval of City Council.

D. Length of term: two years.

E. Accountability to City: reports.

F. Revenue source: City General Fund.

G. Number of Board members. Seven members shall be appointed, including but not limited to the following: one rep. Housing Authorities Sector, two reps. Minority Contractors Association, one rep. as Chamber of Commerce Designee, and three community members at large. Representation of members of the Board should reflect the demographics of the City.

§ 23-704. Minority Business Procurement Advisory Board.

A. There is hereby established in the Administrative Services Department, a Minority Business Procurement Advisory Board to advise the Administration on policies, procedures and practices to enhance participation of MBEs, DBEs, WBEs, SBEs and the lower-to-moderate income residents, etc. in procurement of City contracts and all employment practices.[9]

B. The Board shall consist of seven members, each to be appointed by the Mayor for a two-year term, with City Council approval. The members of the Board may be reappointed to successive terms of office. Each member of the Board shall continue to serve after their term until their successor has been qualified and appointed. Appointments of new term members shall be made 60 days prior to the expiration of the current term. Vacant seats on the Board shall be filled within 90 days. Three members-at-large from the community will also serve on the Board.

C. The Board shall elect one of its members as Chairman and may elect such other officers as it may deem necessary. The Chairman may, with the approval of the Board, appoint such committees as may be necessary to carry out the powers and duties of the Board, and the members may authorize such committees to take any necessary action for the Board.

D. The Board shall adopt such rules and regulations for its own organization, operations and procedures as the Board shall deem necessary to administer, implement and enforce this Part 7.

E. The Board shall hold at least four public meetings during each calendar year. Four members of the Board shall constitute a quorum for the transaction of business, and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Board. Members are required to vote on all issues. However, in case of a valid absence approved by the Chairman, the member is required to vote either by abstaining or via proxy, whichever is deemed appropriate. Members who have failed to fulfill their duties,

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9. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

including but not limited to two missed votes, shall first receive a warning. However, further violation of their duties will render an immediate resignation.

F. The members of the Board shall serve without compensation, but upon resolution of Council, they may be reimbursed for all necessary expenses incurred in the performance of their duties in accordance with appropriations made by Council.

G. In the event that no members shall be able and available to exercise any of or fulfill any of the duties of the Board, the Mayor may appoint one or more members temporarily, with the approval of City Council, to assume the powers and/or fulfill the duties of the Board. Such appointment may be limited in duration of term and in scope of the powers and duties of any members so appointed.[10]

H. In the event that a member wishes to resign, they must do so in writing to the Chairman of the MBPAB. A copy of this letter should be provided to all members for information purposes only.

I. Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. **[Amended 9-13-2010 by Ord. No. 66-2010]**

§ 23-705. Powers and duties of Board.

The Minority Business Procurement Advisory Board shall have no powers or duties but shall serve in an advisory capacity to the administration only.

§ 23-706. City contracts.

All contracts of the City and its contracting agencies shall encourage the contractor to comply with the policy of this article to enhance the participation of MBEs, DBEs, WBEs, SBEs and the lower-to-moderate income residents, etc., therewith and to comply with any state or federal law or laws or regulations relating to unlawful employment practices in connection with any work to be performed thereunder and shall require the contractor to include a similar provision in all subcontracts.

§ 23-707. Procedure.

A. The MBPAB, or any subsequent successor, shall advise the administration in accord with the policy set forth herein and in so doing shall also:

(1) Advise a procedure to ensure the City is outreaching and encouraging to MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participate in procurement.

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10. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(2) Advise a procedure to ensure the City is outreaching and encouraging to MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participation in City contracts as subcontractors.

(3) Ascertain and advise the Administration, within 90 days of the enactment of this Part, the total number of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses in the Berks County Standard Statistical Area.

(4) Maintain a listing of all such residents and make it available to all agencies.

(5) Advise a process to ensure all majority contractors are aware of the existence and identity of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses.

(6) Survey such businesses to ascertain how to establish accessibility of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to the City's procurement process and report findings to administration and Council.

(7) Survey such businesses to ascertain how to establish accessibility of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participation in City contracts as subcontractors and report findings to administration and Council.

(8) Report to the administration and Council the MBEs, DBEs, WBEs, SBEs and lower to-moderate income businesses on biannual basis (every six months) of participation in City contracts and its procurement process.

(9) Report to the administration and Council the MBEs, DBEs, WBEs, SBEs and lower to-moderate income businesses on biannual basis (every six months) of participation in City contracts as subcontractors.

(10) Advise administration and Council of percentage of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts and its procurement process.

(11) Advise administration and Council of percentage of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts as subcontractors.

(12) Advise administration and Council of appropriate policies and procedures for aid in monitoring and obtaining Board's mission and policy.

B. The Administrative Services Director, in conjunction with the MBPAB, shall assemble and furnish to such procurement records and documents of the various agencies, cooperative relationships, etc. as are necessary for the monitoring MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts and its procurement process and subcontractors.

PART 8

Board of Health

[Adopted 5-22-2006 by Ord. No. 39-2006 (Ch. 1, Part 5B, of the 2001 Code of Ordinances)]

§ 23-801. Establishment; members.

A. Creation. A Board of Health is hereby created in the City of Reading, Pennsylvania, to consist of five members and two alternates.

B. Appointment. The members of the said Board shall serve without compensation and shall be appointed by the Mayor with the approval of the Council. No member of City Council shall be appointed as a member of the Board of Health.

C. Residency. All members of the Board of Health shall be residents of the City. If a qualified Board of Health cannot be established as set forth herein with residents of the City, alternatively, members may be selected from persons with a significant business interest in the City.

D. Membership. The Board of Health shall be comprised of at least one representative of each of the following:

(1) A person certified by the state or appropriately licensed in the area of environmental health.

(2) A person state certified or appropriately licensed in the study of infectious diseases.

(3) A person state certified or appropriately licensed as a public health practitioner.

(4) A person certified and licensed to practice by the State Board of Medicine, the State Board of Veterinary Medicine, the State Board of Pharmacy, or the State Board of Nursing to be engaged in a medical, medically related or health care profession or business.

(5) A representative of the citizens of the City of Reading.

E. One alternate shall be selected from any of the aforementioned professional fields with preference given to an individual representing a licensed profession not already represented on the Board.

F. The second alternate shall be a resident of the City who does not need to possess any of the qualifications stated above.

G. The inclusion of a state certified physician, veterinary, pharmacist and nurse specifically enumerated in Subsection D above does not preclude such from qualified under Subsection D(1) through (3) above if they are certified and/or licensed in the areas specified therein. If a licensed or certified professional from one of the above-named areas cannot be identified to serve on the Board, the Mayor, with the approval of City Council, may appoint any individual who has experience or is knowledgeable of public health issues relating to the field for which they are being selected to represent. Alternatively, if all fields are unable to be represented and more than one individual is qualified in one of the aforementioned fields, a second such person may qualify to fill the unfilled position of an unrepresented field.

H. Term. At the first appointment, Council shall designate one of the members to serve for one year, one for two years, one for three years, one for four years and one for five years, from January 1, 2006, and thereafter, one member of said Board shall be appointed annually to serve for the term of five years from January 1 succeeding his appointment.

I. Removal. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. **[Amended 8-23-2010 by Ord. No. 58-2010]**

J. Oath. Each member of the Board of Health shall take an oath of office.

§ 23-802. Purpose.

A. To prevent or diminish the introduction or further spread of infectious or contagious diseases.

B. To prevent, abate or remove conditions found to be detrimental to the public health.

§ 23-803. Organization.

A. President. The Board shall elect a President annually from among the members. Duties of the President shall include:

(1) Preside at all meetings of the Board.

(2) See that all orders of the Board are carried out.

(3) Report to City Council.

B. Vice President. The Board shall elect a Vice President. The Vice President of the Board shall fulfill all duties of the President in his/her absence.

C. Secretary. The Board shall appoint a secretary who is not a Board member and who is qualified in the secretarial arts. Duties of the secretary shall include:

(1) Keep the minutes of the proceedings of the Board.

(2) Prepare, under the direction of the Board, the annual report to Council.

(3) Assist the City Health Officer in the preparation of reports to the State Department of Health as are required by law or by rule or regulation of the Department. Any annual report of the local Board of Health must be submitted to the local state office.

(4) At the direction of the Board of Health, issue and respond to all correspondence from and to the Board of Health.

(5) Issue all notices to the newspaper for publication.

(6) Prepare any other reports and perform such other duties as are required of him/her by law of the Board of Health.

§ 23-804. Powers and duties.

A. It shall be the duty of the Board of Health to enforce the laws of the Commonwealth of Pennsylvania and the article of the City of Reading enacted for the protection of the public health.

B. To undertake the aforesaid duty, the Board of Health shall:

(1) Monitor the health status of the City of Reading to identify community problems.

(2) Diagnose and investigate health problems and health hazards in the City of Reading.

(3) Inform, educate and empower the citizens and residents of Reading about health issues.

(4) Mobilize community partnerships and take action to solve problems.

(5) Analyze and develop policies and plans that support individual and community health efforts.

C. To exercise all the rights and perform all the duties and obligations conferred and imposed upon like Boards of Health in cities of the third class of the Commonwealth of Pennsylvania by all acts of assembly which may not be in force or hereafter passed in reference to the same that are not performed by other boards, commissions or authorities or departments of the City of Reading.

D. The Board of Health shall have power to make and enforce such orders and regulations as may be necessary to carry out its aforesaid duties and obligations so long as the Council shall approve such regulations.

§ 23-805. Meetings.

A. Scheduled. The Board of Health shall meet on the first Wednesday of each month. A list of the regularly scheduled monthly meetings for the upcoming year will be published in the newspaper in December.

B. Emergency. If the President of the Board of Health declares an emergency, he may call an emergency meeting. Twenty-four-hour notice of an emergency meeting must be given to the public. An emergency would include, but not be limited to, the existence of a condition which would immediately endanger public health, or the development of any other serious situation in which the President believes that action by the Board of Health is necessary for public safety.

C. Quorum. For the purpose of holding any meeting, the Board shall be at least 50% or more of the membership.

D. Open to the public. The Board of Health meetings shall be open to the public and shall be held at such places where the general public has unhampered access to such meetings.

E. Minutes. The said Board shall keep regular minutes of its meetings.

F. Rules and regulations. The Board shall have the power to adopt rules and bylaws to govern its meetings and organization.

§ 23-806. Advisors.

Advisors to the Board of Health shall be as follows:

A. Health Officer. Under § 5-701, Duties of City Health Officer, of Chapter 5, Administrative Code, the City of Reading shall have a City Health Officer appointed by the Mayor. The Health Officer shall advise the Director of Community Development, and the Health Officer or his designee shall attend all Board of Health meetings in an advisory capacity.

B. Property Maintenance Manager. The Property Maintenance Manager or his designee shall attend all Board of Health meetings in an advisory capacity on issues under his/her purview and department.[11]

C. Legal. The City of Reading Legal Specialist shall attend all Board of Health meetings in advisory capacity and advise on all legal/law issues.

D. Others. The Board of Health may request the attendance of other City officials as may be necessary from time to time to address or advise on an issue before it. For example, the Board may request the attendance of the Codes or Health Inspector for a premises in question.

11. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

PART 9

Blighted Property Review Committee

[Adopted 10-23-2006 by Ord. No. 65-2006 (Ch. 1, Part 5D, of the 2001 Code of Ordinances)]

§ 23-901. Short title.

This Part 9 shall be known as and may be cited as the "Blighted Property Review Committee Ordinance."

§ 23-902. Purpose.

The purpose of these provisions are to establish a Blighted Property Review Committee of the City of Reading to implement provisions of the Urban Redevelopment Law of 1945,[12] as amended by Act 94 of 1978, further amended by Act 113 of 2002, promoting reuse and reinvestment in properties in the City of Reading.

§ 23-903. Creation, members, duties, term and expenditures. [Amended 8-9-2010 by Ord. No. 49-2010; 8-23-2010 by Ord. No. 62-2010]

There is hereby established a "Blighted Property Review Committee" (hereinafter "Committee").

A. Duties. The Committee will be responsible for the certification to the Redevelopment Authority of all properties deemed to be vacant or abandoned.

B. Membership. The Committee shall be composed of not less than four, and no more than seven members, who shall served without compensation. The Committee shall include at least one member of the governing body, a representative of the Redevelopment Authority, a representative of the Planning Commission, a representative to be designated by the Mayor, and citizen representatives of the City of Reading. Except for the member of the governing body, members shall be appointed by the Mayor. In the event mayoral appointment does not occur, Council may appoint unfilled positions. In all cases, members are approved by Council.

C. Terms. The term of each member shall be for a period of four years and until his or her successor is appointed. A member may be reappointed upon expiration of his or her term. The position of any member of the Committee appointed in his or her capacity as a member of the governing body, representative of the Redevelopment Authority, representative of the Planning Commission, representative designated by the Mayor, who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term. **[Amended 10-22-2012 by Ord. No. 106-2010]**

D. Organization of the Committee. The Committee shall establish its own bylaws, establish offices, and elect officers from its own membership. For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the Committee as a whole. For the purpose of this Part, the Committee will be able to begin holding meetings as soon as a majority of the members have been appointed and approved by Council. Any action taken at any meeting shall require the affirmative vote of a majority of the Committee as a whole. No member of the Committee shall be permitted to take part in the

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12. Editor's Note: See 35 P.S. § 1701 et seq.

discussion or vote on any property in which said member has any financial interest, direct or indirect. The Committee shall keep full public records of its business and shall submit a report of its activities to City Council at least once a year.

E. Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Committee will constitute grounds for immediate removal from the Committee by City Council. Failure of a member to attend at least 50% of the regular meetings of the Committee in a calendar year will constitute grounds for immediate removal from the Committee by City Council. The Chairperson of the Committee shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.[13]

F. Expenditure for services. City Council may appropriate funds for legal, secretarial, clerk, consultant, and other technical assistance, and for the acquisition and maintenance of blighted properties, and any other such expenses incurred in the pursuit of achieving the aims of this Part.

§ 23-904. Definitions.

For the purpose of this Part, all words used in present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory and not discretionary. The word "used" includes "designated, intended, built, or arranged to be used."

BLIGHTED PROPERTY —

A. Includes:

(1) Any premises which because of physical condition or use is regarded as a public nuisance at common law, or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.

(3) Any dwelling which because of its dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing or building codes of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.

(4) Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.

(5) Any structure from which utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

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13. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

(7) Any unoccupied property which has been tax delinquent for a period of two years prior to the effective date of this Part, and those in the future having a two-year tax delinquency.

(8) Any property which is vacant, but not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

(9) Any abandoned property. A property shall be considered abandoned if:

(a) It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months.

(b) It is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by any body with legal authority to determine the taxable value of the property.

(c) The property has been declared abandoned by the owner, including an estate that is in possession of the property.

(10) A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable.

(11) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.

(12) A property having three or more of the following characteristics:

(a) Has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;

(b) Has unsafe external and internal accessways;

(c) Is being served by an unsafe public street or right-of-way;

(d) Violates the applicable property maintenance code adopted by a municipality and is an immediate threat to public health and safety;

(e) Is vacant;

(f) Is located in a redevelopment area with a density of at least 1,000 people per square mile or a redevelopment area with more than 90% of the units of property being nonresidential or a municipality with a density of at least 2,500 people per square mile.

B. Multiple properties. Blighted property shall include:

(1) A majority of the units of property meet any of the requirements under Subsection A and represent a majority of the geographical area; or

(2) Properties representing a majority of the geographical area meet one or more of the conditions set forth in Subsection A(1) through (11) or satisfy the conditions of Subsection A(12) that are necessary for a declaration of blight under Subsection A and at least 1/3 of the units of property meet two or more of the requirements under Subsection A(1) through (11) or satisfy the conditions of Subsection A(12) and one or more of the requirements under Subsection A(1) though (11).

CITY — The City of Reading.

CITY COUNCIL — The legislative body of the City of Reading, composed of Council President and six district representatives.

CODE — The health, housing, building, fire, electrical, plumbing or other related code of the City of Reading.

COMMISSION — The Reading Planning Commission.

COMMITTEE — The Blighted Property Review Committee.

GOVERNING BODY — The City Council of the City of Reading.

PUBLIC NUISANCE or NUISANCE — Any condition or usage whatsoever in or about buildings, structures or land or the streets or private ways and places, or elsewhere, within the City, whether public or private, which is found to be detrimental to the public health as determined by the Committee or other appropriate City office or agency.

REDEVELOPMENT AREA — Any area, whether improved or unimproved, which the Planning Commission may find to be blighted so as to require development.

REDEVELOPMENT AREA PLAN — A plan for the redevelopment of all or part of a redevelopment area made by a Planning Commission.

REDEVELOPMENT AUTHORITY — Redevelopment Authority of the City of Reading.

REDEVELOPMENT PROPOSAL — A proposal, including a copy of the redevelopment area plan and supporting data, submitted for approval to the governing body by an authority for the redevelopment of all or part of a redevelopment area.

RESIDENTIAL AND RELATED USE — Includes residential property for sale or rental and related uses, including but not limited to, park and recreation areas, neighborhood community services, and neighborhood parking lots.

VACANT — Any unoccupied or unimproved lot or parcel of ground, which by reason or neglect or lack of maintenance shows to be unlikely habitable, implying abandonment on the part of the previous tenants or owner.

§ 23-905. Blighted property removal.

Notwithstanding any other provision of law, the Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property as defined herein, either within or outside of a redevelopment area and, further, shall have the power to hold, clear, manage, lease and/or dispose of said property for residential and related uses. This power shall be exercised in accord with the procedures set for hereinafter.

§ 23-906. Restrictions. [Amended 8-10-2009 by Ord. No. 42-2009; 3-22-2010 by Ord. No. 10-2010; 12-27-2010 by Ord. No. 108-2010]

The Blighted Property Review Committee and the Planning Commission, upon making a determination that any property is blighted as defined in § 23-904, above, must certify said blighted property to the Redevelopment Authority except that:

A. No property shall be certified to the Redevelopment Authority unless it is vacant or abandoned.

B. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for the receipt of service of notices has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing blight and notification that failure to do so may render the property subject to condemnation. The notice shall be served upon the owner or his agent.

(1) Procedure. Whenever the Committee shall determine, after such examination, investigation or hearing as shall suffice to inform its judgment, that a public nuisance exists or is about to exist, it may order the nuisance to be removed, abated, suspended, altered, or otherwise prevented or avoided. Notice of such order, bearing the official title of the Committee and the number of days for compliance therewith and the alternative remedy of the Committee in case of noncompliance, shall be served upon the person, if any, whom the Committee deems responsible therefor or concerned therein, and upon the owner or abutting owner of the land, premises or other places whereon such a nuisance is or is about to be, if any. In case no such party or parties can be discovered by the Committee, the order shall be served by posting a copy or copies thereof conspicuously upon the premises for a period of at least 10 days.

(2) Contents of notice. The notice of the Committee's order shall clearly specify:

(a) The place and manner of the nuisance or anticipated nuisance as determined by the Committee.

(b) The nature or condition thereof.

(c) The Committee's order with respect to the nuisance or anticipated nuisance.

(d) The name of the persons found by the Committee to be responsible therefor or concerned therewith and the name of the owner, if any, of the land or premises involved; in the event the owner or contact cannot be determined, said notice shall reflect this.

(e) The date of the Committee's order and the number of days there from allowed for compliance with it.

(f) The alternative remedy of the Committee in case of noncompliance.

(g) The signature of the Chair of the Committee, attested by the Secretary.

(3) Hearing and disposition.

(a) If any person affected thereby shall apply for a hearing within the time provided, the Committee shall promptly notify all interested parties of the time and place of the hearing.

(b) The Committee shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing and thereafter may rescind, modify or reaffirm its order and require execution of the original or of a new or modified order, as it shall determine and direct.

C. No blighted property shall be certified to the Redevelopment Authority on which more than 10 dwelling units can be constructed under existing zoning regulations.

§ 23-907. Reuse of acquired property.

A. Acquisition and disposition of blighted property shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, but at least 30 days prior to acquisition of any property, the Redevelopment Authority shall transmit identification of the property to the Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the Planning Commission certifies that disposition for residential or related use would not be in accord with the Comprehensive Plan of the City of Reading.

B. Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of the Urban Redevelopment Law.[14]

C. Property disposed of outside a redevelopment area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

D. Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedures set forth in applicable law.

§ 23-908. Conflict with other laws.

Should any provisions set forth in this Part be found to conflict with any law of the United States or the Commonwealth of Pennsylvania, such federal and/or state laws shall govern and this Part shall be construed accordingly. Such a conflict shall not affect the validity of this Part.

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14. Editor's Note: See 35 P.S. § 1701 et seq.

PART 10

Diversity Board

[Adopted 7-9-2007 by Ord. No. 54-2007 (Ch. 1, Part 5O, of the 2001 Code of Ordinances)]

§ 23-1001. Purpose.

The City of Reading City Council hereby creates a City of Reading Diversity Board to serve in an advisory capacity to the Mayor and City Council by providing input on policy and processes that promote and facilitate active involvement and participation by diverse cultures such as of race, color, religion, ancestry, national origin, age, sex, familial status, and handicap within the Reading Community.

§ 23-1002. Responsibilities.

The City of Reading Diversity Board shall have the following responsibilities:

A. To promote understanding that accepts, celebrates and appreciates diversity within the Reading community.

B. To serve as a resource and provide recommendations for the City regarding opportunities to address or promote diversity issues or programs within the City and community.

C. To promote and encourage active involvement and participation by diverse cultures within the Reading community and City government.

D. To enlist the cooperation of various groups in the community to participate in educational, cultural and other campaigns demonstrating an awareness of cultural and human diversity in the community.

§ 23-1003. Membership; removal. [Amended 3-8-2010 by Ord. No. 6-2010; 9-13-2010 by Ord. No. 68-2010; 8-22-2011 by Ord. No. 41A-2011; 2-11-2013 by Ord. No. 7-2013; 8-26-2013 by Ord. No. 35-2013; 9-28-2015 by Ord. No. 52-2015]

A. The Diversity Board shall be composed of nine voting members, chosen to serve three-year staggered terms and appointed by the City Council. The Diversity Board shall include one representative of Council, Managing Director, or designee, the Human Resources Director or designee, one member representing AFSCME, one representative of the NAACP, one representative of a reputable, majority Latino or Hispanic organization located within the City of Reading, the Human Relations Commission Executive Director or designee, and two members reflecting the geographic, demographic, technical, and nontechnical backgrounds of the citizens of Reading.

B. Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Diversity Board members having two or more unexcused absences in a calendar year may be replaced by City Council. Notification of potential dismissal from the Diversity Board will be mailed by the Chair to the Board member following a second absence within a calendar year. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

§ 23-1004. Organization of Board. [Amended 2-11-2013 by Ord. No. 7-2013]

The Diversity Board shall establish its own bylaws, establish offices and elect officers from its membership. To conduct any meeting, a majority of the Board shall be present. A majority of the Board must vote affirmatively to approve any motion or action. The Diversity Board shall receive legal counsel from the City's Law Department and assistance from the Human Resources Division.

§ 23-1005. Powers and duties.

It shall be the duty of the City of Reading Diversity Board to:

A. Annually review the City's progress in implementing a Citywide Diversity Plan and report the results of the review to the Mayor and City Council.

B. Issue reports and actively participate in ongoing dialog with the community consistent with the purpose of the Board.

C. To promote and encourage active involvement and participation by diverse cultures within the Reading community and City government.

D. Develop and propose municipal policies and procedures that increase diverse representation in the City's work force and assure fair and equitable treatment of all applicants.

E. Create a mission statement that reflects the purpose and responsibilities defined herein.

§ 23-1006. Meetings. [Amended 2-11-2013 by Ord. No. 7-2013]

The Diversity Board shall meet quarterly on a day and time approved by majority vote of the Board. The meetings of the Board shall be publicized and open to the public in accordance with the Sunshine Act.[15] Copies of meeting minutes will be provided to the City Clerk's Office.

§ 23-1007. Expenditures for services.

City Council may, upon written request of the Diversity Board, appropriate funds for expenses incurred in the pursuit of achieving the purpose of this Part 10.

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15. Editor's Note: See 65 Pa.C.S.A. § 701 et seq.

PART 11

Environmental Advisory Council

[Adopted 3-24-2008 by Ord. No. 27-2008 (Ch. 1, Part 5N, of the 2001 Code of Ordinances)]

§ 23-1101. Purpose.

The Environmental Advisory Council (EAC) duly organized under these bylaws shall have the power to study environmental and sustainability issues at the request of City Council and make recommendations to Council on those issues. The EAC will work with City Council in an advisory capacity in an effort to help Council analyze environmental and sustainability issues and, when appropriate, issue recommendations on courses of action necessary to protect the health, safety and welfare of the residents of Berks County.

§ 23-1102. Membership.

A. The EAC is composed of seven voting members, chosen to serve three-year staggered terms and appointed by City Council. These members shall reflect the geographic, demographic, technical, and nontechnical backgrounds of the citizens of Reading.

B. Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the EAC will constitute grounds for immediate removal from the EAC by City Council. Failure of a member to attend at least 50% of the regular meetings of the EAC in a calendar year will constitute grounds for immediate removal from the EAC by City Council. The Chairperson of the EAC shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. **[Amended 9-13-2010 by Ord. No. 67-2010; 8-26-2013 by Ord. No. 35-2013]**

§ 23-1103. Meetings and voting.

A. Monthly meetings. Regular meetings of the EAC will be determined by the membership of the EAC. Notices of an EAC meetings will be posted on the City of Reading website, the municipal access channel and, if necessary, a newspaper of general record.

B. Special meetings. Special meetings may be requested by the Chair, or by a majority of the EAC members. Such special meetings shall be held at such place, date and hour as may be designated by the person or persons authorized herein to call such a meeting.

C. Written or phone notice of such a special meeting shall be given by the Chair to the Advisory Council members at least five days and not more than 21 days prior to the meeting. City Council and the public shall be notified for such meetings in appropriate manner; i.e., posting the date, time and location on the City website, posting on the municipal access channel, sending a letter to City Council, etc.

D. Quorum. In the event a quorum is not present at any meeting, the members may reschedule the meeting for a later date with the required notice. A quorum shall consist of more than

2/3 of the current voting members. The act of the majority of the members present at a meeting at which a quorum is present shall be the act of the Council.

E. Voting. Each member is entitled to one vote, with the voting governed by parliamentary procedure according to Robert's Rules of Order.

F. Notes. Notes from meetings will be kept and copies of the meeting's notes will be sent to the City Clerk's Office and each member of the EAC.

G. All meetings or portions of meetings at which action is taken shall be open to the public. However, the EAC may meet in closed session for discussion purposes, pursuant to the "Sunshine Act of 1987."[16]

§ 23-1104. Officers and compensation.

A. Officers. The EAC shall elect from among their members a Chair and a Vice Chair at the first meeting of each calendar year. Officers shall serve for one year or until their successors are elected.

B. Chair. The Chair shall preside at all meetings of the Council and shall have the duties and powers normally invested in the Office of Chair. He/she shall enforce the bylaws and regulations of the EAC. He/she shall be the official spokesperson for the EAC.

C. Vice Chair. The Vice Chair shall carry out the Chair's duties in case of absence, incapacity, or resignation.

D. Secretary. The Secretary will be responsible for keeping the official minutes of the EAC and preparing all correspondence on behalf of the EAC.

E. Compensation. No EAC member shall receive any salary or payment for his/her services. Financial support of the EAC can be provided by City Council through the authorization of an appropriation to the General Fund budget.[17]

§ 23-1105. Duties.

A. To coordinate at the request of Council ongoing, and to propose and promote new environmental protection and sustainability initiatives among residents, businesses, governmental and nongovernmental agencies, and educational organizations through education and outreach programs.

B. To advise and make recommendations to City Council, City Administration, and City boards, authorities and commissions on policies and programs that infuse the work of City government with an operating philosophy based on environmental protection and sustainability.

C. To recommend plans and programs to the appropriate agencies for promotion and conservation of natural resources and for the protection and improvement of the quality of the environment within the City of Reading and surrounding areas.

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16. Editor's Note: See 65 Pa.C.S.A. § 701 et seq.

17. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

D. Make recommendations as to the possible use of open land areas within the City of Reading.

E. To promote community environmental awareness programs.

F. Keep an index of all open areas, publicly or privately owned, including but not limited to, flood-prone areas, wetlands and other unique natural areas.

G. To prepare an annual report to City Council on its activities, goals and accomplishments.

H. For each issue that the EAC reviews, it will generate a report to City Council that sets forth its findings and dissenting opinions, if any.

I. To consult and cooperate with other agencies, departments, boards, authorities and commissions of the City of Reading on environmental matters.

§ 23-1106. Bylaws.

A. The Environmental Advisory Council Bylaws will be drafted and adopted by City Council.

B. If at any time the established bylaws are determined to be at conflict with EAC activities or impose too great a set of constraints, the EAC may request City Council amend the bylaws. The request, along with specific recommendations, must be submitted to City Council in writing. Upon receiving a request for amendment, City Council will meet with representatives of the EAC to discuss the request. Amendments to the EAC bylaws must be approved by City Council through resolution.

C. City Council reserves the right to amend the bylaws of the EAC through the adoption of subsequent resolutions.

§ 23-1107. Hearings.

A. In addition to those required by law, the EAC may hold public hearings when the EAC and City Council decide that such hearings will be in the public interest.

B. Except as required by law, notice of the time and place of such hearings, when on matters of widespread interest, shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the hearing, not earlier than two weeks prior to the hearing. For matters of limited territorial interest, notice shall be given in such manner as is deemed appropriate by the EAC.

C. The matter before the EAC shall be presented in summary by some person designated by the Chair, and parties in interest shall have privilege of the floor.

D. No record or statement shall be recorded or sworn to by the EAC as evidence for any court of law without notice to the parties mentioned in the record or statement.

E. A record shall be kept of those speaking before the EAC at such hearings.

F. Copies of all testimony and other evidence provided at a public hearing must be forwarded to the City Clerk's Office at the conclusion of the hearing.

§ 23-1108. Intermunicipal cooperation.

A. No part of this Part 11 shall prohibit the Reading Environmental Advisory Council from cooperating with similar organizations in other jurisdictions.

B. In the interest of efficiency, the Reading Environmental Advisory Council may wish to form a joint board with other jurisdictions. Any merger shall be treated as an amendment of this Part 11 requiring the approval of City Council.

PART 12

Main Street Program Board

[Adopted 11-22-2010 by Ord. No. 95-2010 (Ch. 1, Part 5P, of the 2001 Code of Ordinances); amended in its entirety 1-28-2013 by Ord. No. 5-2013]

§ 23-1201. Purpose; membership. [Amended 10-27-2014 by Ord. No. 78-2014]

The City recognizes that a blighting influence exists because of urban decay and continued divestment in the Central Business District of the City [Note: Exact Main Street area will be in the final form of the ordinance, to be determined after the Main Street Committee meeting on Friday, January 11, 2013.] The Reading Main Street Program Board is hereby authorized and shall consist of seven members, who shall be recommended by the Mayor and approved by City Council for a term of three years, and a liaison appointed by Council. The liaison shall be a member of City Council along with a second member of Council serving as an alternative for the purpose of providing the Main Street Board with input on the vision for the downtown and advice on other matters. The Reading Main Street Program Board of Directors and the Reading Department of Community Development will serve as advisory bodies to the Main Street Program. The Board of Directors of the RDIDA will exercise fiduciary and administrative oversight over the Reading Main Street Program. The purposes of the Reading Main Street Program are to:

A. Promote a sense of community and unified purpose;

B. Assure the historic continuity of the City's architectural heritage;

C. Improve the image and perception of the City to residents and visitors; and

D. Strengthen economic rejuvenation of property and commerce to the benefit of all.

§ 23-1202. DID Executive Director as Reading Main Street Program Manager.

The Executive Director of the DID shall serve as the Program Manager for the Reading Main Street Program, with all duties as permitted by applicable laws, DCED regulations, regulations, and lawful regulations of any body, agency, or entity providing grants, loans, or other funding or financing.

§ 23-1203. Amendment to Agreement Between City and RDIDA.

The City is hereby authorized to enter into an amendment to the Agreement dated June 27, 2005, between the City and the RDIDA for the purpose of putting into effect the subject matter of this ordinance.[18] The role of the RDIDA and its Executive Director with respect to the Reading Main Street Program, as described herein, is shown in the chart attached hereto as Exhibit A and made a part hereof. A true and correct copy of the amendment to the agreement is attached hereto as Exhibit B and made a part hereof.[19]

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18. Editor's Note: This ordinance refers to Ord. No. 5-2013, adopted 1-28-2013.

19. Editor's Note: Exhibits A and B are on file in the City offices.

PART 13
Audit Committee
[Adopted 5-14-2012 by Ord. No. 49-2012]

§ 23-1301. Purpose.

The Act 47 Recovery Plan Initiative CA02 requires the City of Reading to establish a process for coordinating and responding to external audits. The City of Reading Audit Committee should facilitate City Council's performance of its oversight role. It should provide independent review of a municipality's financial reporting processes, internal and external audits, formal responses to audits and oversight of City management's actions to achieve compliance. The Committee should ensure that City management properly develop and adhere to standard operating procedures for its fiscal affairs, uphold the integrity of independent external audits, and the objectivity and comprehensiveness of internal audits.

§ 23-1302. Membership.

The City of Reading Audit Committee shall be composed of five members comprised of City Clerk, City Auditor, Chair of the Council Finance Committee, or his representative, the Director of Administration Services, and a qualified citizen who is a resident of the City for at least three years, has at least five years of experience in public accounting, finance or budgeting, and is willing to serve a three-year term. The citizen can be selected by Council but will operate as an independent voice on the Committee.

§ 23-1303. Functions.

The City of Reading Audit Committee shall be chaired by the City Auditor. Each Committee member will have one equal vote. The Committee shall meet within five business days from the end of each quarter. The City of Reading Audit Committee will:

A. Select the external auditor, in accordance with the City's procurement code. The external auditor shall report its findings to the Audit Committee, and work with the Audit Committee to achieve compliance.

B. Review the City's financial statements, including all quarterly financial statements produced by the Department of Administrative Services for accuracy and completeness, including any adjustments required by the external auditor.

C. Approve the annual work plan of the City Auditor to ensure the audits are timely and constructive.

D. Make a report to Council at the start and end of each fiscal year that details its areas of focus and at the close of each year to describe the Committee's success and challenges.

E. Review all internal audits prepared by the City Elected Auditor.

F. Examine all aspects of the financial reporting process.

G. Provide a statement on whether the City's year-end financials are accurately presented.

§ 23-1304. Authority.

The City of Reading City Council hereby empowers the City of Reading Audit Committee to execute its mission by:

A. Providing funding for the engagement and the services of an external auditor and other government financial experts as determined by a majority vote of the Committee;

B. Providing access to the schedule of audits and reports produced by the internal elected auditor;

C. Providing authority to ensure appropriate corrective action is taken by City management in response to the internal and external audits;

D. Providing authority to establish procedures for the confidential receipt, retention and treatment of complaints regarding accounting, internal accounting controls, or auditing matters from City municipal employees;

E. Providing authority to review the financial documents and procedures of all related boards and commissions to ensure accurate financial reporting and make recommendations for improvements to the various financial procedures.

PART 14
Code and License Appeals Board
[Adopted 12-22-2014 by Ord. No. 102-2014]

§ 23-1401. Organization.

A. Membership. The Code and License Appeals Board shall be a body of five members consisting of: the Administrative Services Director or his/her designee who shall serve as Chairperson; a Councilperson from the district the business or property is located in or the designee of the President of Council if the District Councilor is unavailable, a member of the business community; a resident at large; and member of a recognized City of Reading community group.

B. Alternates. There shall be three alternate members one each from the following groups: a member of the business community, a resident at large and a member of a community group recognized by the City of Reading.

C. Appointment. The member of the business community and the alternate from the business community shall be appointed by the Mayor without confirmation of Council and the remaining members and alternates shall be appointed by Council.

D. Term.

(1) A member or alternate member shall serve a term of three years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial Board shall be appointed to staggered terms of one, two and three years. Members may be appointed to serve successive terms. Members and alternates of the initial Board shall be appointed to staggered terms of one, two and three years.

(2) Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

(3) Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

E. Quorum and majority vote. Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

§ 23-1402. Powers.

The Code and License Appeals Board shall have the following powers:

A. Promulgate rules and regulations. To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.

B. Oaths and subpoenas. The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

C. Hear and decide matters.

(1) To hear and decide matters regarding the revocation of a business privilege license where it is alleged that one of the criteria set forth herein has been violated. The Board is also authorized to hear appeals of refusals of business privilege license or cease operations order.

(2) To hear and decide matters regarding appeals to the Property Maintenance Code.

(3) To hear and decide matters relating to appeals of the Solid Waste Code, which includes solid waste, dumpsters and recycling.

(4) To hear and decide matters relating to appeals of the Housing Ordinance, including appeals to issued disruptive conduct reports.

(5) To hear and decide matters relating to appeals of the Vending Machine Ordinance.

(6) To modify any notice of violation or order and to authorize a variance from the terms of this code when, because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.

(7) To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code (Chapter 180, Part 13) and other applicable sections of the Code of the City of Reading of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

D. Timeliness.

(1) In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall hold a hearing on any founded complaint within 20 days and shall file its decision within 10 days after the appeal hearing.

(2) The decision of the Board shall be filed with the Managing Director, the Solicitor and the City Clerk. Copies of the decision shall be sent by first class mail to the appellant within 10 days of the Board's decision.

E. Authority.

(1) The Board is empowered to find no cause for the revocation of a business privilege license or cause to revoke a business privilege license by a majority vote of the appointed members. The Board shall be bound by this Part and shall not ignore the clear provisions and intent of this Part.

(2) The Board shall modify or reverse the decision of the Solid Waste, Housing, Vending Machine, or the Property Maintenance Code official only by a majority vote of the appointed members.

(3) The Administration shall take immediate action in accordance with the decision of the Board.

F. Court review.

(1) Any party to the appeal to the Board shall have to the appeal the decision of the Board to the appropriate court of jurisdiction in the manner and time required by law following the filing of the Board's decision, as per Subsection D(2) herein.

(2) Stays of enforcement. Appeals of decisions of the Board shall stay the enforcement and collection of the bill for costs of abatement of violation of this Part.

Chapter 36

FIRE AND RESCUE SERVICES

§ 36-101. Recognizing Volunteer Fire Department.
§ 36-102. Organization of new fire companies.
§ 36-103. Classifying members of volunteer fire companies into certified volunteer firefighters and volunteer non-firefighters.
§ 36-104. Appropriations.
§ 36-105. Officers.
§ 36-106. Salaries.
§ 36-107. Duties at fires.
§ 36-108. Service outside City.
§ 36-109. Fire Chief as ex officio Fire Marshal.
§ 36-110. Adoption of standard screw coupling.
§ 36-111. Rules and regulations.
§ 36-112. Fire Marshal creation, appointment and reports.
§ 36-113. Fees for emergency medical services; delinquent bill accounts.
§ 36-114. Collection procedures and collection agency fees for delinquent RFDEMS accounts.

[HISTORY: Adopted by the City Council of the City of Reading 12-22-1937 by Ord. No. 74-1937 (Ch. 1, Part 9, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 77.

STATE LAW REFERENCES

Third Class City Code fire bureau provisions — See 53 P.S. § 37101 et seq.

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§ 36-101. Recognizing Volunteer Fire Department. [Amended 6-8-1938 by Ord. No. 20-1938; 5-29-2001 by Ord. No. 14-2001]

A. The following named fire companies, to wit:

(1) Rainbow Steam Fire Engine Company No. 1, of the City of Reading, Pa., instituted March 17, 1773.

(2) The Junior Steam Fire Engine Company No. 2, instituted December, 2, 1813.

(3) Reading Hose Company No. 1, instituted July 4, 1819.

(4) Neversink Fire Company No. 3, of the City of Reading, instituted April 14, 1829.

(5) Friendship Steam Fire Engine Company No. 4 of Reading, Pa., instituted March 4, 1848.

(6) The Liberty Fire Company of Reading, Pa., instituted January 21, 1854.

(7) Washington Fire Company No. 2 of Reading, Pa., instituted September 17, 1855.

(8) Keystone Hook & Ladder Company No. 1, of Reading, Pa., instituted January 19, 1856.

(9) The Hampden Steam Fire Engine Company No. 6. of Reading, Pa., organized September 8, 1867.

(10) Marion Hose and Steam Fire Engine Company No. 10, of Reading, Pa., instituted October 1, 1881.

(11) Riverside Steam Fire Engine Company, instituted January 9, 1890.

(12) The Schuylkill Fire Company of the City of Reading, instituted February 20, 1892.

(13) The Union Fire Company of Reading, Pa., instituted March 18, 1898.

(14) Oakbrook Fire Company, organized November, 1902.

B. Together with such other fire companies as may be hereafter organized, in accordance with the provisions of § 36-102 hereof, shall constitute the Firemen's Union of the City of Reading. Such companies are hereby recognized as the duly organized Volunteer Fire Department of the City, subject to such necessary rules and regulations as Council shall approve by ordinance.

§ 36-102. Organization of new fire companies.

No new fire company shall be organized in the City except by ordinance of Council upon petition of the Firemen's Union, setting forth the name, location and membership of the proposed company, together with the consent of at least 2/3 of the companies at that time composing the Firemen's Union.

§ 36-103. Classifying members of volunteer fire companies into certified volunteer firefighters and volunteer non-firefighters. [Added 2-27-1989 by Ord. No. 18-1989 ; 5-29-2001 by Ord. No. 14-2001]

In the month of February of each year, the Department of Fire and Rescue Services shall certify as firefighter those members of the City volunteer fire engine companies who have maintained sufficient and adequate ongoing fire training and who have received any other fire suppression instruction as required by the Department. It is the intent of this provision that only those members of volunteer fire companies who have been certified as a firefighter by the Department shall be permitted to ride in or on Department of Fire and Rescue Services apparati, utilize or employ firefighting devices, tools and equipment and/or engage in firefighting, fire-suppression activities and/or participate directly or indirectly in firefighting activities at a fire scene, in order to lessen the element of danger to life and property because of improvident actions of insufficiently trained volunteer and noncertified firefighters. Members of volunteer fire companies certified in any one phase of Department of Fire and Rescue Services operations such as SCUBA rescue/hazardous materials, etc., shall not, without the required credentials, be

deemed certified in all such emergency units. That is to say, members of the SCUBA and hazmat teams of the Department, certified to participate in their own respective emergency and rescue units, shall, nevertheless, be required to be a certified volunteer firefighter in order to participate in fire-suppression emergency operations.

§ 36-104. Appropriations. [Amended 6-8-1938 by Ord. No. 20-1938; 12-3-1975 by Ord. No. 51-1975; 5-29-2001 by Ord. No. 14-2001]

There shall be included each year in the annual appropriation ordinance an appropriation for each duly organized fire company belonging to the Reading Department of Fire and Rescue Services, provided that no part of any such appropriation shall be expended unless the company for which it is made has complied with all the rules and regulations of the Department, has been previously inspected by the Fire Chief and has furnished such Chief with a statement of its equipment and membership, together with the number of fires at which it was in service during the preceding year, with the average attendance of members thereat. Such appropriations shall be expended only for the payment of wages of, and compensation insurance premiums for, fire and ambulance drivers and tillermen; salaries and bond premiums of fire company officers; group accident insurance premiums for members; purchase of materials, supplies, and equipment used for firefighting and ambulance purposes; and for the maintenance of firehouses and equipment thereof in a suitable and comfortable condition for the purpose for which such firehouses may be used, in accordance with this section.

§ 36-105. Officers. [Amended 12-3-1975 by Ord. No. 51-1975; 6-15-1983 by Ord. No. 24-1983; 5-29-2001 by Ord. No. 14-2001]

The former title, designation, position, post or rank of Chief Engineer, shall hereafter be known as "Fire Chief." The former title, designation, position, post or rank of Assistant Engineers shall hereafter be known as "First Deputy Fire Chiefs." The new title, designation, position, post or rank representing a third level of command formerly known as Assistant Chiefs shall hereafter be known as "Second Deputy Fire Chiefs." All vacancies to the position, post or rank of Second Deputy Fire Chief (the third level of command, whatever the same shall be called) shall be filled from the ranks of the bargaining unit using Firemen's Civil Service procedure under the Third Class City Code[1] and merit selection as set forth in the 1974-1975 labor contract pursuant to the Amended Order of Court dated April 4, 1975, Returnable to No. 3709 Equity Docket 1972. In the event of a vacancy in the post of Fire Chief, such position shall be filled by the Mayor with approval of a majority of Council.

§ 36-106. Salaries. [Amended 12-3-1975 by Ord. No. 51-1975]

The salaries of the Fire Chief and Deputy Chiefs shall be in the amounts fixed by Council by ordinance.

§ 36-107. Duties at fires. [Amended 12-3-1975 by Ord. No. 51-1975; 5-29-2001 by Ord. No. 14-2001]

The Fire Chief or, in his absence, the next First Deputy Fire Chief, shall have control over all fire apparatus and members of the Department of Fire and Rescue Services while in service at fires, and may, for insubordination thereat, suspend any company from service for such period as he

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1. Editor's Note: See 53 P.S. § 35101 et seq.

deems proper, subject to an appeal by such company to the Firemen's Union. The Fire Chief and Deputy Fire Chiefs and the officers of the City Department of Police are hereby authorized to exclude from interference with the function of the regularly organized Department of Fire and Rescue Services, while on duty at all fires, all persons not members thereof, except owners of properties in the immediate neighborhood of such fires, and persons having a pecuniary interest therein, or their agents, and to take into custody any person or persons who may persist in such unauthorized interference.

§ 36-108. Service outside City. [Amended 12-3-1975 by Ord. No. 51-1975; 5-29-2001 by Ord. No. 14-2001]

The Fire Chief or, in his absence, the next First Deputy Fire Chief, is hereby authorized and empowered, upon the request of the proper authorities of any adjacent city or town, to forward thereto, at his discretion, not more than two of the fire engines belonging to the Department of Fire and Rescue Services, for services in case of serious conflagration. However, in every such instance, the apparatus shall be in charge of, and accompanied by, experienced firemen belonging to the respective companies whose engines are so employed.

§ 36-109. Fire Chief as ex officio Fire Marshal. [Amended 12-3-1975 by Ord. No. 51-1975]

The Fire Chief is hereby made ex officio Fire Marshal, with all the powers conferred by the Third Class City Code.

§ 36-110. Adoption of standard screw coupling. [Amended 5-29-2001 by Ord. No. 14-2001]

The standard screw coupling approved by the Firemen's Union is hereby adopted as the coupling for the use of the entire Reading Department of Fire and Rescue Services.

§ 36-111. Rules and regulations. [Amended 12-3-1975 by Ord. No. 51-1975; 5-29-2001 by Ord. No. 14-2001]

A. The following rules and regulations shall cover the conduct of the Reading Department of Fire and Rescue Services:

(1) Rule 1. The Fire Chief shall have control over all fire apparatus and firemen at the time of fires, and shall have power to suspend any member or members of any company or companies for violating any of the City ordinances, or any of the rules and regulations of the Firemen's Union. All members so suspended shall stand suspended until final action. The Chief shall report his action in the matter to the Firemen's Union, who shall thereupon notify the company or companies whereof such parties are members, so that the proper action can be taken and penalty imposed. In the absence of the Fire Chief, the First Deputy Fire Chief of the District in which the fire occurs shall have charge of the Department. In case of the absence of the Fire Chief and the First Deputy Fire Chief of the District, the First Deputy Fire Chief at the fire shall have charge of the Department until the arrival of the Chief or First Deputy Fire Chief of the District. The foreman of the company arriving first at the fire shall assume charge of the Department, and have full control until charge is assumed by the Fire Chief or Deputy Fire Chiefs, respectively, as above stated.

(2) Rule 2. The Fire Chief, or other officer in charge, shall see that the premises where fires occur are left in such a condition that there will be no further danger from fire likely to cause damage to life or property. He shall also have the power to detail a sufficient number of firemen, with apparatus, to remain at the fire as long as he deems it necessary.

(3) Rule 3. The First Deputy Fire Chiefs and all companies shall promptly report their arrival at fires to the Fire Chief or other officer in charge.

(4) Rule 4. The Fire Chief, or Deputy Fire Chiefs, or other officer in charge at fires, shall see that no more water is used than is necessary, and when chemical engines are present, no water shall be used should the Chief or Deputy Chief, or other officer in charge, consider the chemical streams sufficient. In all cases only booster streams shall be used, unless the fire has gained too much headway. All chemical lines shall be followed up by the large water lines with a shutoff nozzle attached thereto, when same are attached to a fire hydrant.

(5) Rule 5. The Fire Chief or officer in charge shall cause companies not needed at fires to promptly return to quarters.

(6) Rule 6. The dangerous condition of any building, wall or other obstruction at any fire shall be promptly reported to the Fire Chief, or other officer in charge at such fire, and immediately after the fire such officer in charge shall report same to the Building Inspector of the City for proper action in regard thereto, unless it is deemed necessary for purposes of safety and subduing the fire, to cause its immediate removal by any means at hand.

(7) Rule 7. During the existence of fires requiring the presence of the Fire Chief, the Deputy Fire Chiefs, at the discretion of the Chief, shall respond to other alarms within their respective districts.

(8) Rule 8. The Fire Chief shall visit each company monthly, and thoroughly and carefully inspect all apparatus, and report the condition of the same to the Firemen's Union at the regular meeting succeeding such inspection.

(9) Rule 9. The Fire Chief or other officer in charge at a fire shall cause all firemen found to be under the influence of liquor to be removed beyond the fire lines, and shall report the facts of such removal, with the names of the guilty parties, to the Firemen's Union, who shall thereupon notify the company or companies whereof such parties are members, so that the proper action can be taken and penalty imposed.

(10) Rule 10. All engines shall carry a gate valve for use on two- or three-way fire hydrants, and immediately upon arriving at the fire ground shall attach same to the fire hydrant intended to be used by their respective companies, and shut off the same. Such company shall then attach its suction, or leading hose, to the other outlet, if a two-way fire hydrant, and if a three-way hydrant, attach its suction, or leading hose, to one of the other two outlets, so that a second company arriving at the same fire hydrant can attach its suction, or leading hose, to such gate valve attachment, at the two- or three-way fire hydrant, as it may be. All attachments of gate valves or hose, as aforesaid, shall be subject to change, at any fire, by order of the Fire Chief.

(11) Rule 11. Engine and chemical companies will, on arrival on fire ground, cause their respective apparatus to be stationed within such reasonable distance from building so as to allow an aerial truck to station themselves directly in front of building.

(12) Rule 12. Engine and hose companies shall be required to carry reducers and other connections necessary to attach hose to engines and fire hydrants, and for any other connections.

(13) Rule 13. Companies shall report to the Fire Chief all fire hydrants found to be obstructed, or in need of repairs, and he shall immediately notify the Department of Water thereof.

(14) Rule 14. All engines of the Fire Department of Fire and Rescue Services shall be tested at least once a month.

(15) Rule 15. All hose of the Fire Department of Fire and Rescue Services shall be tested semimonthly under the direction of the Fire Chief.

(16) Rule 16. When a still alarm is sent to a company house, the Fire Chief shall be immediately notified by telephone. The company shall respond promptly, first using the booster stream, and the water stream only as a last resort, as is specifically set out in Rule 4; the chemical line to be followed up by the large water line, with a shutoff nozzle attached thereto, and connected with the fire hydrant nearest the fire.

(17) Rule 17. Hoses shall be run in as close to a fire as is practicable, keeping on the side of the street the engine is located. Hose shall be kept off tracks wherever possible and not run over hose and couplings already laid. Engines and trucks shall also avoid running over hose and couplings laid in seeking positions for service at fires and in removing therefrom.

(18) Rule 18. Engine, hose and hook-and-ladder companies, immediately after the removal of their hose or ladders from their apparatus, shall remove apparatus to a reasonable distance from the immediate fire grounds.

(19) Rule 19. All proper dispatch consistent with safety shall be used in proceeding to a fire. Companies shall be held responsible for reckless driving.

(20) Rule 20. Companies shall keep their apparatus and tools in perfect order and carefully examine same after use for any defects therein.

(21) Rule 21. The number of persons who shall be permitted on the various size ladders at any one time shall not exceed, viz.: To each ten- or fifteen-foot ladder: one. To each twenty-foot, twenty-five-foot or thirty-foot ladder: two. To each ladder more than 30 feet: three.

(22) Rule 22. When a company or companies, in responding to fire alarms, with its, or their, apparatus, are driving to the fire ground on a street leading directly thereto, the right-of-way shall be given it, or them, by any other company, or companies driving with its, or their, apparatus to the same fire along a cross street, or arriving at the place of its intersection with such direct street. Such latter company, or companies, when about to turn with its, or their, apparatus from such cross street into such direct street and drive to the left thereon, shall take the right side of such street in making such turn, and when about to turn as aforesaid, from such cross street into such direct street

and drive to the right thereon, shall take the left side of such cross street in making such turn.

(23) Rule 23. When two or more companies, with their apparatus, are driving to a fire along the same street, side by side, or within a short distance from one another, neither company shall hinder or delay the other by driving from side to side of the street, or in any manner. The penalties imposed by law in such cases will be strictly enforced against guilty parties.

(24) Rule 24. No company, or companies, nor any of its, or their, members, when responding to an alarm of fire, or while engaged in the line of duty at any fire, or in returning from a fire alarm or fire, shall become involved in any altercation, dispute, disturbance or breach of the peace, or violate any City ordinance or state law. If any dispute or misunderstanding arises between any companies or the members thereof at or during the above stated times or places, the Fire Chief or Deputy Fire Chiefs, or other officer in charge of the Department at the time, shall forthwith be called upon, and his decision shall be final settlement of the same, and his orders in the premises shall be peaceably and implicitly obeyed by the parties concerned.

(25) Rule 25. The Fire Chief shall prepare a fire alarm chart showing the number and location of each fire alarm box, the number of boxes to which each company shall respond on first and second alarms, and whether all apparatus or only one is to be used, and each company shall respond in accordance therewith.

(26) Rule 26. Companies responding to first alarms shall remain until dismissed by the Fire Chief. Companies assigned to second alarms shall respond to all subsequent alarms.

(27) Rule 27. When two ladder companies respond to an alarm, and another alarm comes in for the same district, the ladder company in reserve shall respond. When ladder companies respond to general alarm boxes only, ladders shall respond and the engines stand in reserve.

(28) Rule 28. When an alarm is sounded within the district south of Buttonwood Street, north of Penn Street and east of Seventh Street, and an additional alarm is sounded covering the district north of Buttonwood Street and east of Seventh Street, one piece from Neversink Fire Company and one piece from Schuylkill Fire Company shall respond.

(29) Rule 29. No apparatus shall leave the station on a box alarm until one round has been registered on the indicator.

(30) Rule 30. In the event of the indicator or gong not working properly, the alarm room shall be called for the location of alarm.

(31) Rule 31. Friendship Fire Company shall be a reserve company with one piece of apparatus for all stations north of Green Street and west of Seventh Street; Marion Fire Company shall be a reserve company for all stations south of Penn Street, except Stations 4, 41, 253 and 254; Riverside Fire Company shall be a reserve company for all stations south of Penn Street, except Stations 31, 37 and 132; Union Fire Company shall be a reserve company for all stations north of Penn Street, including Stations 31, 37 and 132; Oakbrook Fire Company shall be a reserve company for all stations

north of Penn Street, including Stations 4, 41, 253 and 254. The reserve companies will respond to all alarms except the one in which the Department of Fire and Rescue Services is working by a previous alarm.

(32) Rule 32. After a first alarm has been sounded, should the Fire Chief require the assistance of companies assigned to the boxes on second alarms, he shall give two taps and, after a brief interval, strike the box number in the usual manner. A second alarm shall, in all cases, be designated by two taps followed by the box number from which the first alarm was sounded, the box number being repeated four times.

(33) Rule 33. The signal 3-3-3 will be used exclusively for general alarms, to which the entire Department shall respond, with the exception of the reserve companies, who shall remain at their respective stations and respond to all subsequent alarms.

(34) Rule 34. Companies not responding to first alarms assigned to second alarms shall stand on the alert. Should no additional company be required, a signal of one tap shall be given by the Fire Chief indicating that the fire is under control and that the companies have left the place of alarm. Upon the return of the companies to their stations following an alarm, they will report to the alarm room when in service again.

(35) Rule 35. Companies not assigned to first or second alarms become first alarm companies, and shall respond to all subsequent alarms.

(36) Rule 36. The rules and regulations of the Water Authority, with regard to the opening and closing of, and making connections to, fire plugs, shall be strictly observed.

(37) Rule 37. The foregoing rules and regulations shall be strictly enforced, and any act of insubordination, or disobedience of these rules and regulations, or of any order of the Fire Chief or other officer in charge at any fire, by any company or companies of the Fire Department of Fire and Rescue Services, or any respective members thereof, shall be promptly reported to the Firemen's Union by the Fire Chief or such officer in charge for immediate action at its next meeting.

§ 36-112. Fire Marshal creation, appointment and reports. [Added 9-3-1986 by Ord. No. 70-86; 5-29-2001 by Ord. No. 14-2001]

A. There is hereby created the office of Fire Marshal in the Department of Fire and Rescue Services.[2]

B. The Fire Marshal shall report to the Fire Chief in such manner as required by the provisions of the Charter.

C. The Mayor shall appoint the Fire Marshal, with the approval and consent of Council, biennially, as provided by the Code.

§ 36-113. Fees for emergency medical services; delinquent bill accounts. [Added 12-27-2000 by Ord. No. 38-2000]

A. The Chief of the Department of Fire and Rescue Services (hereinafter "Chief") is hereby authorized to and shall establish a schedule of fees for providing emergency medical

2. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

services to individuals or other entities. Said fees may be adjusted from time to time by the Chief to reflect changing costs and needs.

B. Any recipient, individual or other entity of emergency medical services assistance shall be responsible for payment of his bill before the expiration of 90 days from the date of billing. Any bill paid after 90 days from the date of billing will be assessed an additional 25% of the unpaid balance as a collection fee. Any collection fee incurred in conjunction with the collection of any such delinquent account shall be the responsibility of, and paid by the recipient, individual or other entity, of said services.

§ 36-114. Collection procedures and collection agency fees for delinquent RFDEMS accounts. [Added 3-28-2005 by Ord. No. 13-2005]

A. Statement of policies. The Reading Fire Department Emergency Medical Services (RFDEMS) hereby determines to charge to delinquent account parties all costs of collection, including agency fees incurred in collection of unpaid fees, user charges and other items covered by the Act.

B. Schedule of fees.

(1) The RFDEMS hereby approves the following schedule of Agency fees for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services of such an agency:

(a) For the collection of accounts under one year from date of service or last payment made by debtor: 25%.

(b) For the collection of accounts one year or over from date of service or last payment made by debtor: 25%.

(c) For the collection of accounts second placement: 25%

(2) The amount of fees determined as set forth above shall be added to the RFDEMS's claim in each account.

C. Collection procedures. The following collection procedures are hereby established to the policy of the RFDEMS.[3]

(1) At least 30 days prior to assessing or imposing agency fees in connection with the collection of an account, the RFDEMS shall mail or cause to be mailed, by first class mail, postage prepaid, a notice of such intention to the rate payor or other entity liable for the account (the "account debtor").

(2) All notices required by this chapter shall be mailed to the account debtor's last known post office address as recorded in the records or other information of the RFDEMS, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes or elsewhere.

(3) Each notice ad described above shall include the following:

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3. Editor's Note: The Collection Services Agreement between ARB and RFDEMS is on file in the City offices.

(a) The type of charge, the date it became due and the amount owed, including penalty and interest.

(b) A statement of the RFDEMS's intent to impose or assess agency fees within 30 days after the mailing of the notice.

(c) The manner in which the assessment of imposition of agency fees may be avoided by payment of the account.

(d) The place of payment for accounts and the name and telephone number of the RFDEMS official designated as responsible for collection matters.

D. Related action. The proper officials of the RFDEMS are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this chapter.

Chapter 51

INITIATIVE AND REFERENDUM

§ 51-101. Declaration of purpose.
§ 51-102. Definitions.
§ 51-103. Initiative and referendum; commencement of proceedings; petitioners committee; affidavit.
§ 51-104. Form and content.
§ 51-105. Affidavit of circulator.
§ 51-106. Initiative petitions.
§ 51-107. Referendum petitions.
§ 51-108. Signatures.
§ 51-109. Circulation of petitions.
§ 51-110. Time for circulating and filing referendum petitions.
§ 51-111. Time for circulation and filing initiative petitions.
§ 51-112. Submission of petitions.
§ 51-113. Initiative and referendum; procedure after filing.

[HISTORY: Adopted by the City Council of the City of Reading 5-14-2007 by Ord. No. 24-2007 (Ch. 1, Part 11, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Charter provisions for initiative and referendum — See Home Rule Charter, Art. XI, Citizen's Rights and Participation.

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§ 51-101. Declaration of purpose.

The City of Reading City Council recognizes the importance of protecting and promoting the ability of our citizens to participate in government through initiative and referendum. Since the change to Home Rule government, there have been approximately 10 citizen petition efforts. The lack of clear instruction on the circulation and signature verification of initiative and referendum petitions in the Charter has caused many procedural problems, resulting in court challenges and legal fees to both the City and citizen groups. Therefore, through the enactment of this chapter, City Council sets out regulations pertaining to the circulation and signing of initiative and referendum petitions to assist Reading voters with their rights to participation provided by the Home Rule Charter.

§ 51-102. Definitions.

AFFIDAVIT — A written declaration or statement of facts, made voluntarily, taken and signed before a notary public.

PETITION — An initiative or referendum petition for ordering a measure to be submitted to City Council and/or the voters.

PETITION BLANKS — Forms prepared by the City Clerk's Office containing a petition with a serial number, a circulator's affidavit, and the full copy of the ordinance proposed for enactment or repeal.

PETITIONERS' COMMITTEE — A group of five registered voters responsible for circulating and filing the petition with the City Clerk's Office in proper form.

REGULAR ELECTION — A primary or general election conducted by the Berks County Department of Elections. [1]

§ 51-103. Initiative and referendum; commencement of proceedings; petitioners committee; affidavit.

A. Any five qualified voters of the City may commence initiative or referendum. A qualified voter is a legal resident of the City of Reading who is registered and constitutionally entitled to vote in Pennsylvania.

B. A qualified voter shall obtain a Petitioners' Committee affidavit and petition forms from the City Clerk in the Council Office during regular business hours.

C. The Petitioners' Committee affidavit shall state the names and addresses of five qualified voters who will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or the ordinance sought to be reconsidered.

D. In case of referendum, such an Petitioners' Committee affidavit must be filed within 10 days of the adoption of the ordinance.

E. Within five days after the Petitioners' Committee affidavit is filed and validated, the City Clerk shall issue the appropriate petition blanks to the petitioners.

§ 51-104. Form and content.

A. The form and content of each petition pack shall be prepared as follows:

(1) Each petition shall be uniform in size and style on eight-and-one-half-inch-by-eleven-inch paper, marked sequentially and/or containing a serial number.

(2) Each petition pack shall contain one petition.

(3) Have an affidavit of circulator, as defined in § 51-105 below.

(4) Contain complete text of the initiative ordinance being considered or the ordinance to be considered for repeal by referendum, as stated in § 51-106 or 51-107 below.

(5) Contain no more than 20 signature lines for the printed name, address, signature of each person signing the petition, and the date signed. **[Amended 3-28-2011 by Ord. No. 15-2011]**

(6) Contain a warning statement advising that it is unlawful for anyone to sign any initiative or referendum petition with any name other than his/her own, or to knowingly sign his/her name more than once for the same proposal, or to sign such petition when he/she is not a legal voter in the City of Reading.

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1. Editor's Note: Original § 1-1103, Initiative and referendum, which immediately followed this section, was repealed during codification (see Ch. 1, General Provisions, Part 2).

(7) No corrections, additions or alterations shall be made to the form of all petitions issued by the City Clerk to the Petitioners' Committee.

B. Any petition not following the form and content set out above shall be declared invalid.

§ 51-105. Affidavit of circulator.

Each paper of a petition shall have attached to it upon filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and that he or she believes them to be valid and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

§ 51-106. Initiative petitions.

All initiative petitions shall contain an initiative statement describing the intent of the ordinance not exceeding 100 words, phrased in the form of a question that can be answered only with an affirmative or negative response. The initiative statement may be distinct from the petitioner's title of the measure, and shall express and give a true and impartial statement of the purpose of the measure. It shall not intentionally be an argument, nor likely to create prejudice, either for or against the measure. This statement shall be delivered to the City Clerk at the time the request for the Petitioners' Committee petition form is requested. Each petition shall also have attached to it the full body of the initiative ordinance.

§ 51-107. Referendum petitions.

All referendum petitions shall contain the title of the bill enacted by City Council as well as the bill number and date of enactment of the bill sought to be repealed. Each petition shall also have attached to it the full body of the bill sought to be repealed.

§ 51-108. Signatures.

Initiative and referendum petitions must be signed in ink or indelible pencil by 2,000 qualified voters of the City of Reading.

§ 51-109. Circulation of petitions.

The Petitioners' Committee shall be responsible for instructing circulators on the regulations and guidelines for circulating petitions, as contained herein.

A. All circulators must reside in the City of Reading and be registered to vote as defined in § 51-103A above.

B. Each person collecting signatures must allow any person to review the text of the initiative ordinance or ordinance to be reconsidered.

C. Each signature collected must be personally witnessed by the circulator.

D. The circulator must complete the affidavit of circulator before a notary public after all the signatures on the sheet have been collected.

E. Circulators must not attempt to obtain signatures of persons knowing that the person signing the petition is not qualified to sign it.

F. Circulators must not offer money or any thing of value to another person or threaten a person to sign or not to sign a petition, nor shall they sell or offer to sell signature sheets.

G. Circulators must not accept compensation to circulate a petition that is based on the number of signatures obtained.

H. Any person violating the circulator regulations shall be charged in accordance with the applicable offense sections of the Elections Code 25 P.S. § 2601 et seq.

§ 51-110. Time for circulating and filing referendum petitions.

Referendum petitions must be circulated and filed within 35 days after the filing of the Petitioners' Committee affidavit. The City Clerk shall only accept petitions filed by the Petitioners' Committee. The City Clerk shall not accept any petitions submitted by any other circulators, representatives or agents thereof.

§ 51-111. Time for circulation and filing initiative petitions.

Initiative petitions must be circulated and signed within a period of 65 days from the date of the filing of the Petitioners' Committee affidavit with the City Clerk. The City Clerk shall only accept petitions filed by the Petitioners' Committee. The City Clerk shall not accept any petitions submitted by any other circulators, representatives or agents thereof.[2]

§ 51-112. Submission of petitions.

Before submitting the signature sheets for verification, the Petitioners' Committee must stack petition packs beginning with the number 1 and continue sequentially until all sheets petitions issued are accounted for. The petitions submitted must contain at least 2,000 original signatures. The Petitioners' Committee must also include a letter stating how many signatures they purport to have. The City Clerk shall advise the Petitioners' Committee of their ability to obtain the necessary number of signatures or make other corrections in accordance with § 51-113 of this chapter.

§ 51-113. Initiative and referendum; procedure after filing.

A. Sufficiency of petitions; determination. No petition for referendum shall be filed with the City Clerk unless it contains the required number of signatures. Upon filing of a petition for initiative or referendum with the City Clerk, the City Clerk shall make an initial face value determination of sufficiency and report the results thereof to the City Council within two days of the date of such filing. The City Clerk may make its determination of sufficiency of the petitions and the signatures contained thereon as stated hereafter.[3,4,5]

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2. Editor's Note: Original § 1-1113, Referendum petitions; suspension of effect of ordinance, which immediately followed this section, was repealed during codification (see Ch. 1, General Provisions, Part 2).

3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2). Editor's Note: Original Subsection B, regarding a verification process, and Subsection C, stating a petition may not be removed or altered after filed, which immediately followed this subsection, were repealed during codification (see Ch. 1, General Provisions, Part 2). Editor's Note: Original §§ 1-1116, Certificate of Clerk; amendment, 1-1117, Council review, 1-1118, Court review; new petition, 1-1119, Initiative and referendum; action on petitions, 1-1120, Initiative and referendum; results of election,

and 1-1121, Initiative and referendum; limitations, which immediately followed this section, were repealed during codification (see Ch. 1, General Provisions, Part 2).

4. **Editor's Note: Original Subsection B, regarding a verification process, and Subsection C, stating a petition may not be removed or altered after filed, which immediately followed this subsection, were repealed during codification (see Ch. 1, General Provisions, Part 2). Editor's Note: Original §§ 1-1116, Certificate of Clerk; amendment, 1-1117, Council review, 1-1118, Court review; new petition, 1-1119, Initiative and referendum; action on petitions, 1-1120, Initiative and referendum; results of election, and 1-1121, Initiative and referendum; limitations, which immediately followed this section, were repealed during codification (see Ch. 1, General Provisions, Part 2).**

5. **Editor's Note: Original §§ 1-1116, Certificate of Clerk; amendment, 1-1117, Council review, 1-1118, Court review; new petition, 1-1119, Initiative and referendum; action on petitions, 1-1120, Initiative and referendum; results of election, and 1-1121, Initiative and referendum; limitations, which immediately followed this section, were repealed during codification (see Ch. 1, General Provisions, Part 2).**

Chapter 62

PENSIONS

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Appendix A

PENSIONS

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire and rescue services — See Ch. 36.

Police Department — See Ch. 77.

Personnel — See Ch. 70.

Salaries and compensation — See Ch. 91.

STATE LAW REFERENCES

Optional retirement system for officers and employees — See 53 P.S. §§ 39371 to 39384.

Coverage of persons under Social Security — See 65 P.S. § 201 et seq.

Firemen's Pension Fund — See Third Class City Code § 4320 et seq., 53 P.S. § 39320 et seq.

Police Pension Fund — See Third Class City Code § 4301 et seq., 53 P.S. § 39301 et seq.

PART 1

New Officers and Employees Pension Fund

[Adopted 9-30-1987 by Ord. No. 79-1987 (Ch. 1, Part 6D, of the 2001 Code of Ordinances); amended in its entirety 4-22-2013 by Ord. No. 26-2013[1]]

§ 62-101. Purpose.

The purpose of this part is to establish benefits payable to officers and employees, other than policemen or firemen, or beneficiaries of such officers or employees who are elected or appointed to the staff of the City, for the first time, on or after January 1, 1988.

§ 62-102. Definitions.

For purposes of this part the following terms shall have the meanings herein defined unless the context clearly indicates a contrary intention:

ANNUAL COMPENSATION — In a calendar year means the total of the monthly compensation of each of the 12 months in such year.

AVERAGE MONTHLY COMPENSATION — A member's average monthly compensation for the highest consecutive five years out of the last 10 years.

BOARD — The Officers and Employees Pension Fund Board.

BOARD ADMINISTRATOR — The position designated by the Board to act on behalf of the Board in matters of day-to-day administration of the plan.

CITY — The City of Reading, Pennsylvania.

CODE — The United States Internal Revenue Code, as amended, including reference, where applicable, to regulations and other guidance issued by the United States Department of Treasury and the Commissioner of the Internal Revenue Service.

COMPENSATION — Pickup contributions plus remuneration received as a City employee excluding refunds for expenses, contingency and accountable expense allowances and excluding severance payments or payments for unused vacation or unused sick leave or comp time that is paid upon termination. Compensation includes amounts excluded from income pursuant to a member's election under a cash or deferred compensation arrangement described in Section 401(k) of the Code, an eligible deferred compensation plan described in Section 457(b) of the Code, a cafeteria plan described in Section 125 of the Code, and, effective January 1, 1998, a qualified transportation fringe benefit plan under Section 132(f) of the Code. Notwithstanding the preceding, the annual compensation of a member shall be limited as set forth in Section 401(a)(17) of the Code [as adjusted annually pursuant to Section 401(a)(17)(B) of the Code and announcement by the Internal Revenue Service; for 2011, $245,000]. Compensation for any prior year shall be subject to the limitations set forth in Appendix A, A-1.[2] If compensation for any prior determination period is taken into account in determining a member's benefits for the current year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period.

FUND — The City of Reading Officers and Employees Pension Fund.

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1. **Editor's Note: This ordinance provided an effective date of 1-1-2012.**
2. **Editor's Note: Appendix A is included at the end of this chapter.**

MONTHLY COMPENSATION — Consists of basic monthly compensation plus longevity payments but excludes overtime pay, educational incentive payments, bonuses, payments in lieu of dependent's health insurance costs, and other special forms of compensation.

MEMBER — An officer or employee who is elected or appointed to an office of, or employed by, the City and becomes a member of the pension fund, for the first time, on or after January 1, 1988. It does not include policemen or firemen. Membership of eligible officers and employees is a required condition of employment. An officer or employee who becomes a member of the Officers and Employees Retirement System before January 1, 1988, shall remain subject to Chapter 62, Part 2, of this chapter, entitled "Officers and Employees Retirement System." Any officer or employee who is reappointed on or after January 1, 1988, having had previous employment prior to January 1, 1988, shall be subject to the pension provisions applying to persons employed prior to January 1, 1988, i.e., Ord. 13-1998, 4-27-1998 (Part 2 of this chapter).

PLAN (or SYSTEM) — The New Officers and Employees Pension Plan.

QUALIFIED MILITARY SERVICE — Any service in the uniformed services (as defined in Chapter 3 of Title 38, United States Code), by any individual if such individual is entitled to reemployment rights under such chapter with respect to such service.

SPOUSE — The spouse of a member, as determined under law of the Commonwealth of Pennsylvania. Effective for designations made after December 31, 2006, a member may designate his/her spouse to be the beneficiary of the member's pension, regardless of the date of the marriage.

§ 62-103. Trust provisions.

The Officers and Employees Retirement Board, as constituted under § 62-203, shall serve as the Board of the plan and shall administer the plan consistent with its duties under § 62-203 and the terms of this plan. The Board shall serve as the fund trustees and the assets of the fund shall be held in trust for the exclusive benefit of the members of the Officers and Employees Plan and this plan and their beneficiaries, and a reversion of fund assets or a return of City contributions is prohibited, except as otherwise provided by applicable law or IRS Revenue Ruling 91-4. The Board may use fund assets to pay the reasonable costs of administering the plan, consistent with the requirements of § 62-204.

§ 62-104. Normal retirement.

A member shall be eligible for normal retirement after attainment of age 65 and completion of 10 years of service.

§ 62-105. Basic benefit.

The basic benefit for a member who has met the eligibility requirements for normal retirement is a monthly pension equal to 2% of the member's average monthly compensation, multiplied by the number of years of service completed by the member, up to a maximum of 25 years of service. Such monthly pension shall be payable for the life of the member with payments continuing after the member's death to the member's spouse equal to 50% of the amount payable to the member on the day of his death. Such member must have been married to the spouse for at least one year prior to the date of the member's death in order for the payments to continue to the spouse.

§ 62-106. Service increment.

A member who has completed in excess of 25 years of service shall receive an additional incremental monthly pension equal to 1.25% of average monthly compensation for the highest consecutive five years out of the last 10 years preceding his/her date of retirement, multiplied by the number of years of service completed by the member in excess of 25 years of service.

§ 62-107. Early retirement.

A member is eligible for early retirement after attainment of age 50 and completion of 10 years of service. The early retirement benefit shall be equal to the member's accrued pension, as hereinafter defined in § 62-108, accrued to the date of early retirement, reduced by 1/3 of 1% for each month that the member's early retirement date precedes his/her normal retirement date.

§ 62-108. Accrued pension.

A. The accrued pension of a member at any determination date shall be equal to 2% of the member's average monthly compensation multiplied by the number of years of service completed by the member at such date, up to a maximum of 25 years of service. In addition, the accrued pension shall also include an incremental pension of 1.25% of average monthly compensation, multiplied by the number of years of service completed by the member at such date in excess of 25 years of service.

B. USERRA and HEART requirements. Effective December 12, 1994, any member who is absent on account of qualified military service and returns to City service within the period of time during which his reemployment rights are protected by federal law shall receive service credit, contributions, benefits and other rights provided under this subsection in lieu of the service credit, contributions, benefits or other rights to which the member would otherwise be entitled under this section, except to the extent the member would be entitled to more advantageous service credit, contributions, or benefits or more valuable rights under other provisions of this section. A member described in this subsection shall be credited with years of service for the full period of qualified military service, provided such member pays into the fund an amount equal to the contributions such member would have been required to make but for his absence on account of qualified military service, within the five-year period of time beginning on his reemployment date (or the lesser period of time beginning on such reemployment date that is three times the length of his qualified military service), and the City shall make all contributions that would have been due on account of such member contributions, and the member shall be entitled to all other rights and benefits accruing on account of such contributions and service. For purposes of this subsection, a member shall be treated as having received compensation during his qualified military service based on the rate of compensation the member would have received but for his qualified military service compensation, or if such amount is not reasonably certain, his average compensation during the twelve-month period immediately preceding his qualified military service (or, if shorter, the period of time immediately preceding his qualified military service). This subsection shall be applied in a manner consistent with Section 414(u) of the Code.

(1) Effective January 1, 2007, in the case of a member who dies while performing qualified military service, the member's surviving beneficiary shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided herein as though the member had resumed employment

with the City on the day before death and then terminated employment on account of death in accordance with Section 401(a)(37) of the Code.

(2) Effective with respect to years beginning after December 31, 2008, for purposes of applying the limits on annual benefits and contributions and for purposes of applying other applicable provisions of the Code, but not for purposes of determining benefits and contributions, "compensation" shall also include differential wage payments, as defined in Section 3401(h) of the Code, paid by the City to an employee on account of qualified military service.

§ 62-109. Disability benefits.

If a member becomes disabled, he/she shall be entitled to a monthly disability benefit. The monthly disability benefit shall be equal to the benefit accrued as of the date of disability. The minimum disability benefit shall be equal to 20% of such member's average monthly compensation. In the event a member becomes disabled prior to being employed by the City for a period of 10 years, the benefits shall be calculated as follows: average monthly compensation for the highest consecutive five years out of a total period of employment will be used. If a member has completed less than five years of service as of the date of disability, average monthly compensation for the entire period of employment will be used. In the event the member works less than a month prior to his disability, the average monthly compensation shall be determined by annualizing the compensation that the employee received on a daily basis so as to establish an average "monthly compensation."

§ 62-110. Survivor benefits.

If a member is eligible for early retirement and dies while employed by the City, a monthly pension shall be payable to the member's spouse for the spouse's lifetime equal to 50% of the monthly pension the member was eligible to receive had he/she been retired as of the day of his/her death. Such member must have been married to the spouse for at least one year prior to the date of the member's death in order for the spouse to qualify for this benefit.

§ 62-111. Vesting.

If a member terminates City employment prior to meeting the eligibility requirements for retirement under the plan but after having completed 10 years of service, he shall be entitled to vest in his/her accrued pension and receive his/her pension benefit when such member attains normal retirement age by filing with the City a written notice of his/her intention to vest, within 90 days of the date of his/her termination. Upon reaching the date which he/she would have been eligible for normal retirement if he/she had continued to be employed by the City, such member shall be paid a monthly pension benefit equal to the benefit accrued as of the date of termination. However, the member may elect to receive his/her monthly pension benefit after he/she has met the eligibility requirements for early retirement and prior to attaining normal retirement, in which case, the monthly pension benefit payable to the member shall be equal to the benefit accrued as of the date of termination, reduced by 1/3 of 1% for each month by which the member's early retirement date precedes his normal retirement date.

§ 62-112. Member contributions.

All members shall pay into the fund monthly, 3% of gross monthly compensation, beginning with the member's date of hire in an eligible position.

§ 62-113. Refund of contribution or rollover.

Provided a member has not filed an election to vest under § 62-111, and 90 days has passed since member's employment was terminated, on termination of full-time employment, before a member has met the eligibility requirements for early retirement, a refund or a direct rollover, if elected, shall be made of all contributions paid into the fund by such member with interest compounded at the rate of 5% per annum. The member shall have 90 days from the date of termination of full-time employment to elect a direct rollover or a distribution by providing to the Board Administrator the appropriate form evidencing such election. The form shall be prepared by the Board Administrator and approved by the Board. Direct rollovers shall be administered in accordance with § 62-116. In the case of the member's death after his/her election and prior to the fund's distribution, such refund shall be paid to the member's designated beneficiary, or, in the absence of such designation, to the member's estate. Any member who leaves employment subject to the provisions of this part and is reappointed shall receive credit for prior years of service only by repaying to the fund the amount refunded by the fund with interest compounded at the rate of 5% per annum from the date of refund by the fund to the date of payment which shall be made within one year from the date of reappointment. In the event the payment is not made within the specified time limit, the right to obtain credit for prior years of service shall be lost for the applicable prior years' period and any repayments shall be refunded without interest.

§ 62-114. Maximum permissible benefits and contributions – Code Section 415.

A. In general. Notwithstanding anything herein to the contrary, effective for limitation years beginning on or after January 1, 1995, the annual benefit (attributable to City contributions and pickup contributions treated as City contributions) with respect to a member payable under the plan and all other defined benefit plans of the City, when expressed in the form of a straight life annuity, shall not exceed the "maximum permissible benefit." Effective for limitation years beginning on or after January 1, 2008, in no case shall any amount accrue in a limitation year, with respect to a member under the plan or all other deferred benefits plans of the City, that would exceed the maximum permissible benefit. For purposes of this section, the member's maximum permissible benefit shall equal the dollar limit prescribed in Section 415(b)(1)(A) of the Code ($195,000 in 2011) or such other amount as may be prescribed under regulations issued by the U.S. Secretary of the Treasury under Section 415(d) of the Code, adjusted in accordance with Subsections B, C and D, below. In addition, the "annual additions," as defined in Section 415(c)(2) of the Code, made by or on behalf of any member attributable to member contributions to the plan other than pickup contributions treated as City contributions, together with any annual additions, to any Code Section 401(a) qualified defined contribution plan maintained by the City, shall not exceed the maximum amount determined under Section 415(c)(1) of the Code for any limitation year. Solely for purposes of determining the maximum annual addition prescribed in Section 415(c) of the Code, "compensation" means a member's wages as defined in Section 3401(a) of the Code and all other payments of compensation to the member from the City for which the City is required to furnish the member a written statement under Sections 6041(d) and 6051(a)(3) of the Code. Compensation shall be determined without regard to any rules that limit the compensation included in wages based on the nature or location of the employment or the services performed. Compensation shall include any amount which would otherwise be deemed compensation under this definition but for the fact that it is subject to a salary reduction agreement under any plan described in Section 457(b), 132(f), or 125 of the Code. Solely for this purpose, compensation also includes regular compensation received after such member's severance from employment [as defined in

Treas. Reg. § 1.415(a)-1(f)(5) (but not severance payments)]; provided that payment of such compensation is made by the later of 2 1/2 months after the member's severance from employment or the end of the calendar year that includes the member's severance from employment; and provided, further, that in order for these postseverance payments to be considered compensation for this purpose, these amounts may only consist of the following (which would otherwise constitute compensation): i) regular compensation for services during the member's regular working hours, or compensation for service outside the member's regular work hours (such as overtime or shift differential), commission, bonuses, or similar payments, if such payment would have been paid to the member prior to severance from employment if the member had continued in employment with the City; ii) payment for unused, accrued, bona fide sick, vacation or other leave (but only if the member would have been able to use the leave if employment had continued); and iii) for plan years beginning on or after January 1, 2009, payments to members who do not currently perform services for the City by reason of qualified military service [as that term is defined in Section 414(u)(1) of the Code] to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the City rather than entering qualified military service. Other types of payments paid to the member after severance from employment shall not be considered compensation for this purpose, even if paid within the time frame described above. In no event, however, shall compensation for this purpose include any amounts not permitted to be included under Section 415 of the Code.

B. Adjustment to the maximum permissible benefit. Adjustments shall be made to the maximum permissible benefit in accordance with Subsection B(1), (2) or (3) below:

(1) If a member's benefit is payable in any form other than a straight life annuity, the determination as to whether the limitation of this section has been satisfied shall be made by adjusting such benefit to the form of a straight life annuity beginning when the payment of benefits begins. The adjustment described in the preceding sentence shall be made in the manner prescribed by the U.S. Secretary of the Treasury, such that the equivalent annual benefit would be the greater of: 1) the equivalent annual benefit computed using 7% interest rate and GAM83 mortality table; and 2) the equivalent annual benefit computed using an interest assumption of 5% (for distributions made during plan years beginning in 2004 or 2005, 5.5%) and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code. Notwithstanding the preceding sentence, effective for plan years beginning after 2005, for purposes of determining whether any benefit payable as a lump sum satisfies the limitation of this section, the adjustment described in the preceding sentence shall be made in the manner prescribed by the U.S. Secretary of the Treasury, such that the equivalent annual benefit would be the greatest of: 1) the equivalent annual benefit computed using the interest rate and mortality table specified in the plan for actuarial equivalence for the particular form of benefit payable; 2) the equivalent annual benefit computed using an interest rate assumption of 5.5% and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code; and 3) the equivalent annual benefit computed using the interest rate specified in Section 417(e)(3) of the Code and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code divided by 1.05. However, for the purposes of such adjustment, any ancillary benefit that is not directly related to retirement income benefits and that portion of any joint and survivor annuity that is actuarially

equivalent to the default form of payment benefit payable to a married member shall not be taken into account.

(2) Actuarial equivalents prior to age 62.

(a) If the benefit of a member who is not a "qualified participant," as defined in Section 415(b)(2)(H) of the Code, begins before he or she reaches age 62 (other than on account of becoming disabled by reason of personal injuries or sickness or death), the maximum permissible benefit shall be adjusted in accordance with Section 415(b) of the Code, to an amount (beginning when the payment of benefits begins) that is actuarially equivalent to an annual benefit equal to the maximum permissible benefit determined under Subsection A [adjusted through the limitation year when payment of benefits begins for increases in the cost of living in accordance with Section 415(d) of the Code] beginning at age 62.

[1] For limitation years beginning before July 1, 2007, the defined benefit dollar limitation applicable at an age prior to age 62 is determined as the lesser of: a) the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using a five-percent interest rate and the Unisex UP-84 Mortality Table; and b) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate and the applicable mortality table-prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code.

[2] For limitation years beginning on or after July 1, 2007, the defined benefit dollar limitation applicable at an age prior to age 62 is determined as the lesser of: a) the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using a five-percent interest rate and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Code (and expressing the member's age based on completed calendar months as of the annuity starting date); and b) the defined benefit dollar limitation multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the plan at the member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the plan at age 62, both determined without applying the limitations of Section 415 of the Code.

[3] For limitation years beginning prior to 2002, the reduction shall not reduce the maximum permissible benefit below $75,000 if the benefit begins at or after age 55, or, if the benefit begins before age 55, the equivalent of the seventy-five-thousand-dollar-limit for age 55.

(b) Any decrease in the maximum permissible benefit made in accordance with this subsection shall not reflect a mortality decrement.

(3) Actuarial equivalents after age 55.

(a) If the benefit of a member begins after he or she reaches age 65, the maximum permissible benefit of Subsection A shall be increased in accordance with Section 415(b) of the Code and the regulations thereunder to an amount (beginning when the payment of benefits begins) that is actuarially equivalent to an annual benefit equal to the maximum permissible benefit of Subsection

A [adjusted through the limitation year when payment of benefits begins for increases in the cost of living in accordance with Section 415(d) of the Code] beginning at age 65.

[1] For limitation years beginning before July 1, 2007, the actuarial equivalent of the maximum permissible benefit applicable at an age after age 65 is the lesser of: a) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate and the unisex UP-84 mortality table; and b) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate assumption and the applicable mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code.

[2] For limitation years beginning on or after July 1, 2007, the actuarial equivalent of the maximum permissible benefit applicable at an age after age 65 is the lesser of: a) the actuarial equivalent (at such age) of the maximum permissible benefit using a five-percent interest rate and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Code (and expressing the member's age based on completed calendar months as of the annuity starting date); and b) the maximum permissible benefit multiplied by the ratio of the annual amount of the immediately commencing straight life annuity payable to the member, computed disregarding the member's accruals after age 65, but including any actuarial adjustments even if those adjustments are applied to off set accruals, to the annual amount of the straight life annuity that would be payable under the plan to a hypothetical member who is 65 years old and has the same accrued benefit (with no actuarial increases for commencement after age 65) as the member receiving the distribution (determined disregarding the member's accruals after age 65 and without applying the rules of Section 415 of the Code).

(b) For purposes of both Subsection B(3)(a)[1] and [2] above, mortality between age 65 and the annuity starting date shall be ignored.

C. Lowest limitation of maximum permissible benefit. Except as provided in Subsection D hereof, the maximum permissible benefit shall never be deemed to be an amount which is less than $10,000, provided the member is not, and has never been, a member in any Code Section 401(a) qualified defined contribution plan of the employer.

D. Maximum permissible benefit applicable to certain members who have less than 10 years of participation service with the City. The maximum permissible benefit applicable to any member, other than a retiree receiving disability benefits by reasons of personal injuries or sickness or beneficiaries, survivors, or the estate of a member, who has less than 10 years of participation service with the City shall be equal to the lesser of the maximum permissible benefit or $10,000 multiplied by a fraction, the numerator of which is the number of the member's years (or part thereof) of participation service in the plan as of and including the current limitation year, and the denominator of which is 10.

E. Limitation of accrued benefit if annual benefit exceeds maximum permissible benefit. If the member's annual benefit exceeds the maximum permissible benefit after the application of the appropriate factors, such member's accrued benefit shall be limited to an amount which

produces an annual benefit equal to the maximum permissible benefit, adjusted, where applicable, as set forth in this section.

F. For purposes of this section, "participation service" means an accrual computation period for which the following conditions are met: A) the member is credited with at least the period of service for benefit accrual purposes, required hereunder in order to accrue a benefit for the accrual computation period; and B) the member is included in the plan for at least one day of the accrual computation period. If these two conditions are met, participation service credited to the member hereunder shall equal the amount of benefit accrual service credited to the member for such accrual computation period.

§ 62-115. Required minimum distributions – Code Section 401(a)(9).

Notwithstanding any other provision herein, beginning after 1986, any and all benefit distributions made under the plan on or after shall be made in accordance with a reasonable and good faith interpretation of Section 401(a)(9) of the Code, including the incidental death benefit requirements of Section 401(a)(9). In accordance with this requirement, the following rules shall apply:

A. Distributions that begin during the member's lifetime shall begin no later than April 1 following the calendar year in which the member retires or the calendar year in which the member attains age 70 1/2 and be distributed over the life of the member or the joint lives of the member and his beneficiary (or over a period not extending beyond the life expectancy of the member or the joint life expectancy of the member and his beneficiary).

B. If a member dies before his entire interest has been distributed, the remaining portion shall be distributed at least as rapidly as under the method of distribution being used as of the date of the member's death.

C. If the member dies before receiving any distributions from the plan and A) the death benefit is payable to his surviving spouse, such death benefit shall be distributed over a period not exceeding such spouse's life (or life expectancy) beginning no later than: 1) December 31 of the calendar year immediately following the calendar year in which the member died; or 2) December 31 of the calendar year in which the member would have attained age 70 1/2; B) the death benefit is payable to a designated beneficiary other than the member's surviving spouse, such death benefit shall be distributed to such beneficiary over a period not exceeding the beneficiary's life (or life expectancy) beginning no later than December 31 of the calendar year following the member's death; and C) if the death benefit is not payable to the member's surviving spouse or designated beneficiary, the member's entire interest will be paid no later than December 31 of the calendar year which includes the fifth anniversary of the member's date of death.

§ 62-116. Direct rollovers.

A. Direct rollovers. Notwithstanding any provision herein to the contrary that would otherwise limit a distributee's election under this subsection, on and after January 1, 1993, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

B. For purposes of this section, the following definitions shall apply:

DIRECT ROLLOVER — A direct rollover is a payment by the system to the eligible retirement plan specified by the distributee.

DISTRIBUTEE — A distributee includes any member. In addition, a member's surviving spouse and the member's spouse or former spouse who is the alternate payee under a domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse. Effective with respect to distributions after 2009, a distributee also means a beneficiary of a member other than a surviving spouse.

ELIGIBLE RETIREMENT PLAN — An eligible retirement plan is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b), a Roth IRA as pursuant to Code Section 408A(e), for distributions made after December 31, 2001, an annuity plan described in Code Section 403(a) or an annuity contract described in Code Section 403(b), a qualified trust described in Code Section 401(a), or for distributions made after December 31, 2001, an eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a domestic relation order, as defined in Code Section 414(p). Effective in the case of an eligible rollover distribution to a surviving spouse before 2002 or to a beneficiary other than a surviving spouse after 2009, an eligible retirement plan is an individual retirement account or individual retirement annuity.

ELIGIBLE ROLLOVER DISTRIBUTION — An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any distribution that is made upon hardship of a member. Notwithstanding anything in this definition to the contrary, for distributions made after December 31, 2001, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Code, or a governmental 457 plan that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not.

§ 62-117. Miscellaneous.

A. Nonrepealer and severability. This part does not repeal the existing City ordinance outlining the provisions of the City of Reading Officers and Employees' Pension Fund but establishes new provisions for officers and employees hired on or after January 1, 1988 (Part 2 of this chapter). The provisions of this part are severable, and if any of the

provisions shall be held to be illegal, invalid or unconstitutional, the decision of the court so holding shall not affect or impair any of the remaining provisions of this part. It is hereby declared to be the intent of Council that this part would have been adopted if such illegal, invalid or unconstitutional provision or provisions had not been included herein.

B. Construction. The masculine gender includes the feminine and the singular includes the plural, unless the context clearly indicates otherwise.

C. Governing law. The plan and fund are governed by the Third Class City Code of Pennsylvania.[3] The plan is a governmental plan as defined in Section 414(d) of the Code and Section 3(32) of the Employee Retirement Income Security Act of 1974 (ERISA), as amended, and as such is exempt from the requirements of ERISA and those requirements of the Code from which a governmental plan is specifically exempt.

D. Pre-ERISA vesting requirement. In the event of the plan's termination or the City's permanent cessation of contributions, each member shall be vested to the extent the plan is funded.

E. Reemployments rights of veterans. Notwithstanding anything in this plan to the contrary, benefits contributions, and service credit with respect to qualified military service [as defined in Section 414(u)(5) of the Code] will be provided in accordance with Section 414(u) of the Code.

F. Amendments. The City Council shall have the authority to amend, freeze, or terminate the plan in its sole discretion, subject to any limitations imposed by applicable law.

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3. Editor's Note: See 53 P.S. § 35101 et seq.

PART 2

Officers and Employees Retirement System

[Adopted 4-27-1998 by Ord. No. 13-1998 (Ch. 1, Part 6C, of the 2001 Code of Ordinances); amended in its entirety 4-22-2013 by Ord. No. 25-2013[4]]

§ 62-201. Definitions.

The following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

BOARD — Officers and Employees Retirement Board.

BOARD ADMINISTRATOR — The position designated by the Board to act on behalf of the Board in matters of day-to-day administration of the plan.

CITY — The City of Reading, Pennsylvania.

CODE — The United States Internal Revenue Code, as amended, including reference, where applicable, to regulations and other guidance issued by the United States Department of Treasury and the Commissioner of the Internal Revenue Service.

EMPLOYEE — A person employed by the City.

FUND — Officers and Employees Retirement Fund.

OFFICER — A person elected or appointed to City service.

MEMBER — A current or former employee or officer of the City who is elected or appointed to the staff of the City, for the first time prior to January 1, 1988, and excluding for such period of time those individuals who are concurrently eligible to accrue benefits under the City's Police Pension Fund or Fireman's Pension Fund.

PERSON — An officer or employee of the City.

PLAN (or SYSTEM) — The Officers and Employee Retirement Plan.

QUALIFIED MILITARY SERVICE — Any service in the uniformed services (as defined in Chapter 3 of Title 38, United States Code) by any individual if such individual is entitled to reemployment rights under such chapter with respect to such service.

SALARY, WAGES, PAY or COMPENSATION — Pickup contributions plus remuneration received as a City employee excluding refunds for expenses, contingency and accountable expense allowances and excluding severance payments or payments for unused vacation or unused sick leave or comp time that is paid upon termination. Salary, wages, pay or compensation includes amounts excluded from income pursuant to a member's election under a cash or deferred compensation arrangement described in Sections 401(k) of the Code, an eligible deferred compensation plan described in Section 457(b) of the Code, a cafeteria plan described in Section 125 of the Code, and, effective January 1, 1998, a qualified transportation fringe benefit plan under Section 132(f) of the Code. Notwithstanding the preceding, the annual salary, wages, pay, or compensation of a member shall be limited as set forth in Section 401(a)(17) of the Code [as adjusted annually pursuant to Section 401(a)(17)(B) of the Code and announcement by the Internal Revenue Service; for 2011, $245,000]. Salary, wages, pay or compensation for any prior year shall be subject to the limitations set forth in Appendix A, A-1.[5] If salary, wages, pay or

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4. Editor's Note: This ordinance provided an effective date of 1-1-2012.

5. Editor's Note: Appendix A is included at the end of this chapter.

compensation for any prior determination period is taken into account in determining a member's benefits for the current year, the salary, wages, pay or compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period.

SPOUSE — The spouse of a member, as determined under law of the Commonwealth of Pennsylvania. Effective for designations made after December 31, 2006, a member may designate his/her spouse to be the beneficiary of the member's pension, regardless of the date of the marriage.

§ 62-202. System created.

The City of Reading has heretofore and does reaffirm the creation and hereby does create under the provisions of the Act of Assembly of the Commonwealth of Pennsylvania No. 362, approved May 23, 1945, 53 P.S. § 39374.1 et seq., under the conditions and subject to the qualifications hereinafter stated, a retirement system for officers and employees of the City, but not including firemen and policemen or employees and officials hired or after January 1, 1988.

§ 62-203. Officers and Employees Retirement Board.

The Council of the City of Reading hereby reconstitutes an Officers and Employees Retirement Board which shall consist of the following:

A. The Officers and Employees Retirement Board which has heretofore been created shall henceforth consist of the Mayor, the City Auditor, the Administrative Services Director, two employees to be chosen by the employees contributing to the retirement fund and a retired City employee who shall be appointed by the Mayor subject to confirmation by City Council.

B. When any of the following are unavailable: the Mayor, City Auditor or Administrative Services Director, then the Mayor, City Auditor or Administrative Services Director shall in writing appoint a designee to act in his/her place for such period or periods as shall be necessary with the approval of the Board. In the event that one or more of the foregoing offices are vacant, then the acting Mayor, acting City Auditor or acting Administrative Services Director shall serve on the Board until the applicable office is no longer vacant.

C. The representatives elected by the employees shall be elected for the term to run concurrently with the term of the Mayor, and shall be from two different departments of the City government.

D. Members of the Board shall serve for the term for which they are elected and until their successors are elected.

E. The members of the Board shall serve without compensation, but shall be reimbursed for any necessary expenditures.

F. It shall be the duty of said Board to register all persons employed by the City other than firemen or policemen and to administer the collection, investment and distribution of the fund herein provided for, and make such reasonable rules in the premises as said Board may deem necessary for its efficient organization, and to carry into effect the provisions of this part.

G. The Board shall keep a complete set of books showing all of its transactions, and a complete record of all its proceedings, which shall be open to inspection by any employee contributing to the fund and to the public.

H. All payments of compensation made under the provisions of this part shall be made by check only, signed in such manner as may be fixed by the rules of the Board.

§ 62-204. Fund created; receipt of contributions; payment from and investment of fund.

A. There shall be created by said Board a fund to be known as the "Officers and Employees Pension Fund."

B. It shall be the exclusive duty of the Board to serve as fund trustees and to receive, disburse, retain, invest and reinvest the fund created by virtue of this part 2 and to pay over by warrant or check the amount due under this plan to members or their widows or widowers or their estates or children. The Board, with the approval of the Administrative Services Director of the City, may enter into agreements with reputable institutions to perform any of the aforesaid duties, including, but not limited to, advising the Board with respect to any and all of its duties, but in the event the Board does so, any such agreement shall require the institutions involved to provide the Board with written reports concerning its activities at least once every six months. The compensation of such institutions shall be paid by the fund or such source of pay as is designated by applicable law. The fund shall be used for the exclusive purpose of funding and paying benefits provided hereunder, and a reversion of fund assets or a return of City contributions is prohibited, except as otherwise provided by applicable law or IRS Revenue Ruling 91-4.

§ 62-205. Employment statement.

The Administrative Services Department of the City shall, on the first day of each calendar month, notify the Board of the employment, or the entering into office of new City officers and employees, and shall submit to the Board a statement showing the name, sex, title, date of birth, compensation, duties, and commencement date of each of such new City officers and employees, and shall also certify to the Board, at the same time, all removals, withdrawals, and changes in salary of any member of the officers and employees' retirement system, which shall have occurred during the preceding month.

A. The Administrative Services Director or his designee has cause and shall continue to cause to be deducted on each and every payroll of a member for each and every payroll period subsequent to November 1, 1946, the following per centum of the total amount of salary earned by each member, in such payroll period in accordance with the provisions of this part, which sum so deducted shall be applied to the purposes provided for by this part.

B. The Administrative Services Director or his designee shall pay each of the amounts so deducted into the Treasury of the officers and employees' retirement fund, and he shall transmit to the Pension Administrator each pay period a detailed statement of all amounts so paid in.

	Single	**Married**
Single coverage	3%	3 1/2%
Single coverage + increments	3 1/2%	4%

Joint coverage	3 1/2%	4%
Joint coverage + increments	4%	4 1/2%
Dual coverage	5%	5 1/2%
Dual coverage + increments	5 1/2%	6%

C. Single coverage is a deduction for pension only (does not include Social Security). This coverage is no longer available (since September 1959). Joint coverage includes Social Security but is subject to a 40% of Social Security deduction to be applied against the City pension. This offset can be eliminated by payment of 1 1/2% of the salary earned since January 1960 or date of employment, whichever is the earliest date. Upon payment of the offset, the coverage is then known as "dual coverage," which entitles the employee to pension and Social Security without deduction of the offset.

§ 62-206. Right to and amount of pension benefits.

Every person now or hereafter elected or appointed to an office of, or employed by, the City of the age of 60 years and upwards who shall have so served as an employee for a period of 20 years or more shall, upon application to the Board, be retired from service, and shall during the remainder of his life receive the compensation fixed by the provisions of Act No. 362, approved May 23, 1945, 53 P.S. § 39374.1 et seq. and this part, as amended.

A. If any person shall have served 20 years and voluntarily retires he shall, by continuing his contributions until the age of 55, be entitled to the above compensation.

B. During the lifetime of any such person he shall be entitled to receive as compensation annually from the fund set aside for the purpose 50% of the amount which would constitute the highest average annual salary or wages which he earned during any five years of his service for the City, or which would be determined by the rate of the monthly pay of such person at the date of retirement, whichever is higher. Said compensation shall be paid in semimonthly payments.

C. Retirement compensation for members who are integrated into federal Social Security payable after early or normal retirement age and upon that portion of annual compensation on which Social Security benefits are payable shall be reduced by an amount of equal to 40% of the primary insurance amount of Social Security, paid or payable to the member. In determining such age eligibility and such amount, only wages or compensation for services performed in the employ of the City shall be included. (Note: These provisions change if the offset is eliminated by payment of the additional 1 1/2% of all salary and wages retroactive to January 1, 1960).

D. Widows or widowers of members who die or are killed in the service shall receive pension payments calculated at the rate of 50% of the pension the member was receiving, or would have been receiving had the member been retired at the time of his or her death. A widow or widower is entitled to receive these payments during his or her lifetime or until he or she remarries.

E. Where an officer or employee who shall have served for 12 years, or more, and his tenure of office or employment shall be terminated without his voluntary action before the expiration of 20 years of service and has attained the age of 60, he shall, in such event, during the remainder of his life, be entitled to receive such portion of the full compensation as the

period of his service up to date of its termination bears to the full twenty-year period of service. Where an officer or employee who has served for 12 years, or more, and shall not have attained 60 years of age and his tenure of office or employment shall be terminated without his voluntary action, before the expiration of 20 years of service, he shall, in such event, during the remainder of his life after attaining the age of 60 years, be entitled to receive such portion of the full compensation as the period of his service up to date of its termination bears to the full twenty-year period of service. Both are conditioned upon his payment of contributions into the fund until he attains contribution for 20 years upon state of benefits of age 60 years.

F. Notwithstanding anything herein contained to the contrary, a member may be entitled to a limited vested benefit under the following conditions:

(1) A member who has completed 12 years or more of full-time continuous service but shall not have attained the minimum age and minimum period of continuous service may be entitled to vest his retirement benefits subject to all of the following conditions:

(a) The member must file with the Officers and Employees Retirement Board of the fund a written notice of his intention to vest.

(b) The member must include in the notice the date the member intends to terminate his service.

(c) The termination date shall be at least 30 days later than the date of notice to vest.

(d) The member must be in good standing with the City on the date of the notice to vest.

(e) The Board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any five years of service preceding that date, whichever is higher.

(2) Upon reaching the date which would have been the member's retirement date had the member continued employment with the City, the member shall notify the Board in writing that the member desires to collect his pension. The amount of retirement benefits the member is entitled to receive under this section shall be computed as follows:

(a) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest; and

(b) The portion of the base retirement due the member shall be determined by applying to the base amounts the percentage that his years of service actually rendered bears to the years of service which would have been rendered had the member continued to be employed by the City until his minimum retirement date. As used in this section, the term "salary" means the fixed amount of compensation paid at regular, periodic intervals by the City to the member and from which pension contributions have been deducted.

G. Where an officer or employee has served for 20 years, or more, and his tenure of office or employment shall be terminated without his voluntary action, then he shall be entitled to

full compensation for the remainder of his life after attaining age 55 years conditioned upon his continuing his contributions into the fund at the same rate as when he was dismissed, until he attains age of 55 years.

§ 62-207. Disability benefits.

Should an officer or employee, however, become so permanently disabled as to render him unable to perform the duties of his position or office after 15 years of service, he shall be entitled to full compensation during such disability. Proof of such disability shall consist of the sworn statement of three practicing physicians, designated by the Board, that the employee is in a condition of health which would permanently disable him from performing the duties of his position or office. Such person shall thereafter be subject to physical examination at any reasonable time or times, upon order of the Board, and upon his refusal to submit to any such examination his compensation shall cease.

§ 62-208. Member contributions.

A. Beginning on November 1, 1946, all the aforesaid officers and employees of the City of Reading shall pay into such fund semimonthly an amount equal to 3% of their monthly wages or salaries and beginning on January 1, 1960, all the aforesaid officers and employees of the City of Reading, who as members are integrated with federal Social Security, shall pay into such fund every payroll period an amount equal to 3 1/2% of their earnings and 5% in excess of that on which Social Security is payable, which shall be applied to the purpose of this part.

B. The Board hereby authorizes every joint coverage member of the optional retirement system to elect to receive compensation in accordance therewith without the reduction (commonly known as the "offset") set forth in Subsection (c) of the Act of the General Assembly of May 23, 1945, as amended, provided:

(1) The member makes his election to buy out his offset in writing in manner and form approved by the Board.

(2) The member makes his aforesaid election to buy out his offset before his date of retirement, which election to do so shall be irrevocable and forever binding upon the member.

(3) The member making his election to buy out his offset shall make a lump sum payment equivalent to 1 1/2% of his gross payroll earnings from the date of his affirmative election, retroactive to January 1, 1960, or, as to a member who became employed by the City after January 1, 1960, then an amount equivalent to 1 1/2% of his gross payroll earnings from the date of his affirmative election, retroactive to his date of employment by the City, after which time of lump sum payment the member shall pay to the fund by payroll deduction an amount equivalent to 5% of his gross earnings to a maximum annual gross allowed by Social Security (i.e., $65,400 for 1997).

§ 62-209. Additional payments to extend benefits.

If upon retirement any compensation be granted to a person who has not been a contributor to the fund, as herein provided, for an aggregate period of 20 years, such person shall be required to pay to the Board for the benefit of the fund monthly an amount equal to the same per centum

rate when he separated from the service of his compensation until such time as his contribution shall have been extended to a period of 20 years which shall be deducted from his semimonthly payment.

§ 62-210. Termination prior to benefit entitlement.

If for any cause any person contributing to the fund who has served less than 12 years shall cease to be in the service of the City, he shall become entitled to the total amount of the contributions paid into the funds by him, without interest. Any person who has served for a period of less than 20 years, and who has not reached the age of 60 years, and who voluntarily retires from such service shall be entitled only to the return of his total contributions paid into the funds by him without interest. Except in the event of the notification by a member to obtain a limited benefit but in such event such person shall still be covered by the provisions of this section with respect to any refunds without interest.

§ 62-211. Refunds.

If for any cause any person contributing to the fund shall cease to be in the service of the City before he shall have become entitled to any compensation, the total amount shall be refunded in full without interest; provided, however, if any such person shall have had returned to him the amount contributed as aforesaid, and shall afterward re-enter the service of the City, he shall not be entitled to the compensation designated unless he shall return to the fund the amount withdrawn, in which event, the required period of service under this part shall be computed from the time he first entered the service of the City, otherwise the date of his period of service shall commence upon re-entry. For those members who became a member of the fund for the first time after January 1, 1988, reference shall be made to Ordinance No. 79-1987, 9-30-1987, § 9 (§ 62-110).

§ 62-212. Council contributions.

The City Council shall annually set aside, apportion and appropriate out of all taxes and income of the City to the fund, a sum of money sufficient to maintain the pension payable to members of the system including sufficient funds of payments to widows or widowers retired on pension or who die or were killed in the service of the City.

§ 62-213. Benefits.

The benefits conferred by this part shall apply to all persons regularly employed in any capacity, by or holding positions in the City in accordance with the provisions of this part, except as herein provided.

§ 62-214. Time of service.

A. The time of service herein specified shall be computed from the time of the first or original service to the City and need not be continuous.

B. If, after the expiration of authorized sick leave, an employee although without pay, is absent from work, such employee, upon presentation of satisfactory evidence to the Board that such absence was because of health, will be given credit for pension purposes only for an additional period not exceeding 90 calendar days total during the entire period of service with the City; provided, however, said employee contributed to the pension fund for such

period of absence an amount which is equal to the sum he would have contributed had he been working, based on his salary or wages, for a full regular work week at the contributing percentage in force for such employee.

§ 62-215. Military service.

A. The person must have been an employee of the City at the time he entered the armed forces. Any person who was an employee of the City on or after October 9, 1946, the date of the ordinance, Bill No. 51, and who was an employee of the City prior thereto, may secure credit for time spent in the armed forces, if he pays before the time of his retirement on pension into the pension fund, the amount equal to 3% of his last monthly salary or wage prior to entering active service with the armed services and for each month he was not employed by the City, because of such active duty. Any person now an employee of the City and a contributor to the pension fund and who now enters the armed forces shall have his years of service credited to his retirement, provided he pays 3% of his monthly salary or wages into the pension fund for each month spent in the armed services.

B. Credit for the years of service for military service shall not at any time exceed in the aggregate six years spent by the employee on active duty with the armed forces and subject to a certificate of satisfactory service and payment to the Board of an amount equal to 3% of his monthly wages or salaries, and beginning on January 1, 1960, credit for such years of military service may be purchased by paying the Board the same amount he was contributing at the time he left employ of the City to enter the Armed Forces of the United States, for each month he is not employed by the City because of his active duty with the armed forces.

C. USERRA and HEART requirements. Effective December 12, 1994, any member who is absent on account of qualified military service and returns to City service within the period of time during which his reemployment rights are protected by federal law shall receive service credit, contributions, benefits and other rights provided under this subsection in lieu of the service credit, contributions, benefits or other rights to which the member would otherwise be entitled under this section, except to the extent the member would be entitled to more advantageous service credit, contributions, or benefits or more valuable rights under other provisions of this section. A member described in this subsection shall be credited with years of service for the full period of qualified military service, provided such member pays into the fund an amount equal to the contributions such member would have been required to make but for his absence on account of qualified military service, within the five-year period of time beginning on his reemployment date (or the lesser period of time beginning on such reemployment date that is three times the length of his qualified military service), and the City shall make all contributions that would have been due on account of such member contributions, and the member shall be entitled to all other rights and benefits accruing on account of such contributions and service. For purposes of this subsection, a member shall be treated as having received compensation during his qualified military service based on the rate of compensation the member would have received but for his qualified military service compensation, or if such amount is not reasonably certain, his average compensation during the twelve-month period immediately preceding his qualified military service (or, if shorter, the period of time immediately preceding his qualified military service). This subsection shall be applied in a manner consistent with Section 414(u) of the Code.

(1) Effective January 1, 2007, in the case of a member who dies while performing qualified military service, the member's surviving beneficiary shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided herein as though the member had resumed employment with the City on the day before death and then terminated employment on account of death in accordance with Section 401(a)(37) of the Code.

(2) Effective with respect to years beginning after December 31, 2008, for purposes of applying the limits on annual benefits and contributions and for purposes of applying other applicable provisions of the Code, but not for purposes of determining benefits and contributions, "compensation" shall also include differential wage payments, as defined in Section 3401(h) of the Code, paid by the City to an employee on account of qualified military service.

§ 62-216. Payment only to beneficiary.

Benefit payments shall not be subject to attachment, execution, assignment or transfer, and shall be payable only to the beneficiary designated by this part and shall not be subject to assigned or transfer.

§ 62-217. Method of payment.

The payment of compensation shall be paid in semimonthly payments.

§ 62-218. Service increment.

In addition to the retirement allowance which is authorized to be paid from the pension fund by this part, notwithstanding the limitation therein placed upon such retirement allowances and upon contributions, every member who shall become entitled to the retirement allowance shall be entitled to the payment of a "service increment" in accordance with and subject to the conditions hereinafter set forth:

A. Service increment shall be the sum obtained by computing the number of whole years after having served 20 years, required by this part, during which a contributor has been employed by the City of Reading and paid out of the City treasury and multiplying the said number of years so computed by an amount equal to 1/40 of the retirement allowance which has become payable to such contributor in accordance with the provisions of this Act. In computing the service increment, no employment after the contributor has reached the age of 65 years shall be included.

B. Each contributor who so chooses to become entitled to the service increments provided by this part, shall, from and after August 5, 1968, pay into the retirement fund a monthly sum in addition to his or her retirement contribution, which shall be equal to 1/2% of his or her salary; provided that such service increment contribution shall not be paid after a contributor has reached the age of 65 years.

C. Persons who were contributors on August 5, 1968, who have since reached the age of 65 years shall have his or her service increment computed on the years of employment prior to the date of reaching his or her 65th birthday.

D. Service increment contributions shall be paid at the same time and in the same manner as retirement contributions, and may be withdrawn in full, without interest, by persons who

leave the employment of the said City, subject to the same conditions by which retirement contributions may be withdrawn, or by persons who retire before becoming entitled to any service increment.

E. All persons who are now contributors or were contributors to the retirement fund prior to January 1, 1988, shall be subject to the provisions of this part.

§ 62-219. Federal income tax exemption of employee contribution to fund.

A. Employee contributions to the fund shall be deemed to have been paid by the employer, the City, in lieu of compensation to the employee.

B. Employees do not have the option of choosing to receive the contributed amount directly in lieu of having them paid by the employer to the fund.

C. Employee contributions to the fund treated in the manner set forth in Subsection A shall be excluded from wages for the purpose of determining individual employee federal income tax deduction of municipal wages earned.

D. This program shall not be applicable to any other federal, state, or local payroll taxes. The deductions in all other instances shall occur per applicable schedule on compensation earned by the employee.

E. The earnings used to calculate the benefits received by an employee, at the time he or she withdraws from the fund or is eligible to receive a pension benefit, shall not be affected by the provisions of this section. The earnings used to calculate the benefit shall be actual earnings received as set forth in § 62-206 of this part.

F. The provisions of this section shall not act to increase the City's contribution rate to the pension program.

§ 62-220. Direct rollovers.

A. Direct rollovers. Notwithstanding any provision herein to the contrary that would otherwise limit a distributee's election under this subsection, on and after January 1, 1993, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

B. For purposes of this section, the following definitions shall apply:

DIRECT ROLLOVER — A direct rollover is a payment by the system to the eligible retirement plan specified by the distributee.

DISTRIBUTEE — A distributee includes any member. In addition, a member's surviving spouse and the member's spouse or former spouse who is the alternate payee under a domestic relations order, as defined in section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse. Effective with respect to distributions after 2009, a distributee also means a beneficiary of a member other than a surviving spouse.

ELIGIBLE RETIREMENT PLAN — An eligible retirement plan is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b), a Roth IRA as pursuant to Code Section 408A(c), for

distributions made after December 31, 2001, an annuity plan described in Code Section 403(a) or an annuity contract described in Code Section 403(b), a qualified trust described in Code Section 401(a), or for distributions made after December 31, 2001, an eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a domestic relation order, as defined in Code Section 414(p). Effective in the case of an eligible rollover distribution to a surviving spouse before 2002 or to a beneficiary other than a surviving spouse after 2009, an eligible retirement plan is an individual retirement account or individual retirement annuity.

ELIGIBLE ROLLOVER DISTRIBUTION — An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any distribution that is made upon hardship of a member. Notwithstanding anything in this definition to the contrary, for distributions made after December 31, 2001, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity, or to a qualified defined contribution plan described in section 401(a) or 403(a) of the Code, or a governmental 457 plan that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not.

§ 62-221. Maximum permissible benefits and contributions – Code Section 415.

A. In general. Notwithstanding anything herein to the contrary, effective for limitation years beginning on or after January 1, 1995, the annual benefit (attributable to City contributions and pickup contributions treated as City contributions) with respect to a member payable under the plan and all other defined benefit plans of the City, when expressed in the form of a straight life annuity, shall not exceed the "maximum permissible benefit." Effective for limitation years beginning on or after January 1, 2008, in no case shall any amount accrue in a limitation year, with respect to a member under the plan or all other deferred benefits plans of the City, that would exceed the maximum permissible benefit. For purposes of this section, the member's maximum permissible benefit shall equal the dollar limit prescribed in Section 415(b)(1)(A) of the Code ($195,000 in 2011) or such other amount as may be prescribed under regulations issued by the U.S. Secretary of the Treasury under Section 415(d) of the Code, adjusted in accordance with Subsections B, C and D, below. In addition, the "annual additions," as defined in Section 415(e)(2) of the Code, made by or on behalf of any member attributable to member contributions to the plan other than pickup contributions treated as City contributions, together with any annual additions, to any Code Section 401(a) qualified defined contribution plan maintained by the City shall not exceed

the maximum amount determined under Section 415(c)(1) of the Code for any limitation year. Solely for purposes of determining the maximum annual addition prescribed in Section 415(c) of the Code, "compensation" means a member's wages as defined in Section 3401(a) of the Code and all other payments of compensation to the member from the City for which the City is required to furnish the member a written statement under Sections 6041(d) and 6051(a)(3) of the Code. Compensation shall be determined without regard to any rules that limit the compensation included in wages based on the nature or location of the employment or the services performed. Compensation shall include any amount which would otherwise be deemed compensation under this definition but for the fact that it is subject to a salary reduction agreement under any plan described in Section 457(b), 132(f), or 125 of the Code. Solely for this purpose, compensation also includes regular compensation received after such member's severance from employment [as defined in Treas. Reg. § 1.415(a)-1(f)(5) (but not severance payments)]; provided that payment of such compensation is made by the later of 2 1/2 months after the member's severance from employment or the end of the calendar year that includes the member's severance from employment; and provided, further, that in order for these postseverance payments to be considered compensation for this purpose, these amounts may only consist of the following (which would otherwise constitute compensation): i) regular compensation for services during the member's regular working hours, or compensation for service outside the member's regular work hours (such as overtime or shift differential), commission, bonuses, or similar payments, if such payment would have been paid to the member prior to severance from employment if the member had continued in employment with the City; ii) payment for unused, accrued, bona fide sick, vacation or other leave (but only if the member would have been able to use the leave if employment had continued); and iii) for plan years beginning on or after January 1, 2009, payments to members who do not currently perform services for the City by reason of qualified military service [as that term is defined in section 414(u)(l) of the Code] to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the City rather than entering qualified military service. Other types of payments paid to the member after severance from employment shall not be considered compensation for this purpose, even if paid within the time frame described above. In no event, however, shall compensation for this purpose include any amounts not permitted to be included under Section 415 of the Code.

B. Adjustment to the maximum permissible benefit. Adjustments shall be made to the maximum permissible benefit in accordance with Subsection B(1), (2) or (3) below:

(1) If a member's benefit is payable in any form other than a straight life annuity, the determination as to whether the limitation of this section has been satisfied shall be made by adjusting such benefit to the form of a straight life annuity beginning when the payment of benefits begins. The adjustment described in the preceding sentence shall be made in the manner prescribed by the U.S. Secretary of the Treasury, such that the equivalent annual benefit would be the greater of: 1) the equivalent annual benefit computed using 7% interest rate and GAM83 mortality table; and 2) the equivalent annual benefit computed using an interest assumption of 5% (for distributions made during plan years beginning in 2004 or 2005, 5.5%) and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code. Notwithstanding the preceding sentence, effective for plan years beginning after 2005, for purposes of determining whether any benefit payable as a lump sum satisfies the limitation of this section, the adjustment described

in the preceding sentence shall be made in the manner prescribed by the U.S. Secretary of the Treasury, such that the equivalent annual benefit would be the greatest of: 1) the equivalent annual benefit computed using the interest rate and mortality table specified in the plan for actuarial equivalence for the particular form of benefit payable; 2) the equivalent annual benefit computed using an interest rate assumption of 5.5% and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code; and 3) the equivalent annual benefit computed using the interest rate specified in Section 417(e)(3) of the Code and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code divided by 1.05. However, for the purposes of such adjustment, any ancillary benefit that is not directly related to retirement income benefits and that portion of any joint and survivor annuity that is actuarially equivalent to the default form of payment benefit payable to a married member shall not be taken into account.

(2) Actuarial equivalent prior to age 62.

(a) If the benefit of a member who is not a "qualified participant," as defined in Section 415(b)(2)(H) of the Code, begins before he or she reaches age 62 (other than on account of becoming disabled by reason of personal injuries or sickness or death), the maximum permissible benefit shall be adjusted in accordance with Section 415(b) of the Code, to an amount (beginning when the payment of benefits begins) that is actuarially equivalent to an annual benefit equal to the maximum permissible benefit determined under Subsection A [adjusted through the limitation year when payment of benefits begins for increases in the cost of living in accordance with Section 415(d) of the Code] beginning at age 62:

[1] For limitation years beginning before July 1, 2007, the defined benefit dollar limitation applicable at an age prior to age 62 is determined as the lesser of: a) the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using a five-percent interest rate and the Unisex UP-84 Mortality Table; and b) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate and the applicable mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code.

[2] For limitation years beginning on or after July 1, 2007, the defined benefit dollar limitation applicable at an age prior to age 62 is determined as the lesser of: a) the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using a five-percent interest rate and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Code (and expressing the member's age based on completed calendar months as of the annuity starting date); and b) the defined benefit dollar limitation multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the plan at the member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the plan at age 62 both determined without applying the limitations of Section 415 of the Code.

[3] For limitation years beginning prior to 2002, the reduction shall not reduce the maximum permissible benefit below $75,000 if the benefit begins at or

after age 55; or, if the benefit begins before age 55, the equivalent of the $75,000 limit for age 55.

(b) Any decrease in the maximum permissible benefit made in accordance with this subsection shall not reflect a mortality decrement.

(3) Actuarial equivalent after age 65.

(a) If the benefit of a member begins after he or she reaches age 65 the maximum permissible benefit of Subsection A shall be increased in accordance with Section 415(b) of the Code and the regulations thereunder to an amount (beginning when the payment of benefits begins) that is actuarially equivalent to an annual benefit equal to the maximum permissible benefit of Subsection A [adjusted through the limitation year when payment of benefits begins for increases in the cost of living in accordance with Section 415(d) of the Code] beginning at age 65.

[1] For limitation years beginning before July 1, 2007, the actuarial equivalent of the maximum permissible benefit applicable at an age after age 65 is the lesser of: a) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate and the unisex UP-84 mortality table; and b) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate assumption and the applicable mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code.

[2] For limitation years beginning on or after July 1, 2007, the actuarial equivalent of the maximum permissible benefit applicable at an age after age 65 is the lesser of: a) the actuarial equivalent (at such age) of the maximum permissible benefit using a five-percent interest rate and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Code (and expressing the member's age based on completed calendar months as of the annuity starting date); and b) the maximum permissible benefit multiplied by the ratio of the annual amount of the immediately commencing straight life annuity payable to the member, computed disregarding the member's accruals after age 65, but including any actuarial adjustments even if those adjustments are applied to offset accruals, to the annual amount of the straight life annuity that would be payable under the plan to a hypothetical member who is 65 years old and has the same accrued benefit (with no actuarial increases for commencement after age 65 as the member receiving the distribution (determined disregarding the member's accruals after age 65 and without applying the rules of Section 415 of the Code).

(b) For purpose of both Subsection B(3)(a)[1] and [2] above, mortality between age 65 and the annuity starting date shall be ignored.

C. Lowest limitation of maximum permissible benefit. Except as provided in Subsection D hereof, the maximum permissible benefit shall never be deemed to be an amount which is less than $10,000, provided the member is not, and has never been, a member in any Code Section 401(a) qualified defined contribution plan of the employer.

D. Maximum permissible benefit applicable to certain members who have less than 10 years of participation service with the City. The maximum permissible benefit applicable to any member, other than a retire receiving disability benefits by reasons of personal injuries or sickness or beneficiaries, survivors, or the estate of a member, who has less than 10 years of participation service with the City shall be equal to the lesser of the maximum permissible benefit or $10,000 multiplied by a fraction, the numerator of which is the number of the member's years (or part thereof) of participation service in the plan as of and including the current limitation year, and the denominator of which is 10.

E. Limitation of accrued benefit if annual benefit exceeds maximum permissible benefit. If the member's annual benefit exceeds the maximum permissible benefit after the application of the appropriate factors, such member's accrued benefit shall be limited to an amount which produces an annual benefit equal to the maximum permissible benefit, adjusted, where applicable, as set forth in this section.

F. For purposes of this section, "participation service" means an accrual computation period for which the following conditions are met: A) the member is credited with at least the period of service for benefit accrual purposes, required hereunder in order to accrue a benefit for the accrual computation period; and B) the member is included in the plan for at least one day of the accrual computation period. If these two conditions are met, participation service credited to the member hereunder shall equal the amount of benefit accrual service credited to the member for such accrual computation period.

§ 62-222. Required minimum distributions – Code Section 401(a)(9).

Notwithstanding any other provision herein, beginning after 1986, any and all benefit distributions made under the plan on or after shall be made in accordance with a reasonable and good faith interpretation of Section 401(a)(9) of the Code, including the incidental death benefit requirements of section 401(a)(9). In accordance with this requirement, the following rules shall apply:

A. Distributions that begin during the member's lifetime shall begin no later than April 1 following the calendar year in which the member retires or the calendar year in which the member attains age 70 1/2 and be distributed over the life of the member or the joint lives of the member and his beneficiary (or over a period not extending beyond the life expectancy of the member or the joint life expectancy of the member and his beneficiary).

B. If a member dies before his entire interest has been distributed, the remaining portion shall be distributed at least as rapidly as under the method of distribution being used as of the date of the member's death.

C. If the member dies before receiving any distributions from the plan and A) the death benefit is payable to his surviving spouse, such death benefit shall be distributed over a period not exceeding such spouse's life (or life expectancy) beginning no later than: 1) December 31 of the calendar year immediately following the calendar year in which the member died; or 2) December 31 of the calendar year in which the member would have attained age 70 1/2; B) the death benefit is payable to a designated beneficiary other than the member's surviving spouse, such death benefit shall be distributed to such beneficiary over a period not exceeding the beneficiary's life (or life expectancy) beginning no later than December 31 of the calendar year following the member's death; and C) if the death benefit is not payable to the member's surviving spouse or designated beneficiary, the member's entire

interest will be paid no later than December 31 of the calendar year which includes the fifth anniversary of the member's date of death.

§ 62-223. Miscellaneous.

A. Construction. The masculine gender includes the feminine and the singular includes the plural, unless the context clearly indicates otherwise.

B. Governing law. The plan and fund are governed by the Third Class City Code of Pennsylvania.[6] The plan is a governmental plan as defined in Section 414(d) of the Code and Section 3(32) of the Employee Retirement Income Security Act of 1974 (ERISA), as amended, and as such is exempt from the requirements of ERISA and those requirements of the Code from which a governmental plan is specifically exempt.

C. Pre-ERISA vesting requirement. In the event of the plan's termination or the City's permanent cessation of contributions, each member shall be vested to the extent the plan is funded.

D. Reemployment rights of veterans. Notwithstanding anything in this plan to the contrary, benefits contributions, and service credit with respect to qualified military service [as defined in section 414(u)(5) of the Code] will be provided in accordance with Section 414(u) of the Code.

E. Amendments. The City Council shall have the authority to amend, freeze, or terminate the plan in its sole discretion, subject to any limitations imposed by applicable law.

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6. Editor's Note: See 53 P.S. § 35101 et seq.

PART 3

Firemen's Pension Fund

[Adopted 4-27-2000 by Ord. No. 5-2000 (Ch. 1, Part 6B, of the 2001 Code of Ordinances); amended in its entirety 4-22-2013 by Ord. No. 23-2013[7]]

§ 62-301. Definitions.

As used in this part, the following words and phrases, unless a different meaning is plainly required by the context, shall have the following respective meanings:

BOARD — The Board of Managers of the Firemen's Pension Fund.

BOARD ADMINISTRATOR — The position designated by the Board to act on behalf of the Board in matters of day-to-day administration of the plan.

CITY — The City of Reading, Pennsylvania.

CITY COUNCIL — The City Council of the City of Reading, Pennsylvania.

CODE — The United States Internal Revenue Code, as amended, including reference, where applicable, to regulations and other guidance issued by the United States Department of Treasury and the Commissioner of the Internal Revenue Service.

DEPARTMENT OF FIRE AND RESCUE — The Department of Fire and Rescue of the City of Reading.

DROP — Deferred Retirement Option Plan.

DROP ACCOUNT — Separate account created to accept DROP member's monthly pension check while an employee is a DROP member.

EMPLOYEE — A regularly salaried paid uniformed employee of the Department of Fire and Rescue.

FUND — Firemen's Pension Fund, established pursuant to § 62-308.

MEMBER — A current or past employee eligible to participate in the plan.

PAY, SALARY, WAGES or COMPENSATION — Pickup contributions plus remuneration received as a City employee excluding refunds for expenses, contingency and accountable expense allowances and excluding severance payments or payments for unused vacation or unused sick leave or comp time that is paid upon termination. Pay, salary, wages or compensation includes amounts excluded from income pursuant to a member's election under a cash or deferred compensation arrangement described in Sections 401(k) of the Code, an eligible deferred compensation plan described in Section 457(b) of the Code, a cafeteria plan described in Section 125 of the Code, and, effective January 1, 1998, a qualified transportation fringe benefit plan under Section 132(f) of the Code. Notwithstanding the preceding, the annual pay, salary, wages or compensation of a member shall be limited as set forth in Section 401(a)(17) of the Code [as adjusted annually pursuant to Section 401(a)(17)(B) of the Code and announcement by the Internal Revenue Service; for 2011, $245,000]. Pay, salary, wages or compensation for any prior year shall be subject to the limitations set forth in Appendix A, A-1.[8] If pay, salary, wages or compensation for any prior determination period is taken into account in determining a member's benefits for the current year, the pay, salary, wages or compensation for such prior

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7. Editor's Note: This ordinance provided an effective date of 1-1-2012.

8. Editor's Note: Appendix A is included at the end of this chapter.

determination period is subject to the applicable annual compensation limit in effect for that prior period.

PLAN — The Firemen's Pension Plan.

QUALIFIED MILITARY SERVICE — Any service in the uniformed services (as defined in Chapter 3 of Title 38, United States Code) by any individual if such individual is entitled to reemployment rights under such chapter with respect to such service.

SPOUSE — The spouse of a member, as determined under law of the Commonwealth of Pennsylvania. Effective for designations made after December 31, 2006, a member may designate his/her spouse to be the beneficiary of the member's pension, regardless of the date of the marriage.

§ 62-302. Board of Managers created.

The Board shall be responsible for the distribution of pensions and service increments from the plan to appropriate members and beneficiaries.

§ 62-303. Board of Managers; members, term and vacancy.

The Board shall consist of the Mayor, Administrative Services Director, Director of Public Safety, City Auditor and Chief of the Department of Fire and Rescue, ex officio, whose term on the Board shall be concurrent with their tenure of office; and two active members of the Department of Fire and Rescue to be chosen by the members of the Department of Fire and Rescue. Of the first managers to be chosen by the members of the Department of Fire and Rescue, one shall be chosen for a term of two years and one for a term of four years. Biennially thereafter, one manager shall be chosen for a term of four years to take the place of one whose term expires. In case of vacancy among the managers chosen by the Department of Fire and Rescue, a successor shall be chosen for the unexpired term. In the event that the office of any of the said selectees shall become vacant by reason of death, resignation, or otherwise, such manager's office shall be filled for its unexpired term by members of the Department of Fire and Rescue by special election.

§ 62-304. Board officers.

The Mayor shall be the President; the City Auditor, the Secretary; and the Administrative Services Director, the Treasurer of said Board.

§ 62-305. Surety bond of Treasurer.

The Treasurer shall give to the City, and maintain a surety bond for the benefit of the Plan, in an amount equivalent to the probable amount of money and securities that shall come into his hands for the faithful performance of his duties, the premium on which bond, however, shall be paid from the fund.

§ 62-306. Board expenses.

All direct and incidental expenditures (such as stationery, postage, miscellaneous supplies, etc.) necessary to the transaction of the business of the Board shall be provided for from the fund.

§ 62-307. Board compensation.

Board members shall receive no compensation for their services with respect to the plan and fund.

§ 62-308. Fund created; receipt of contributions; payment from and investment of fund.

A. There shall be created by said Board a fund to be known as the "Firemen's Pension Fund."

B. It shall be the exclusive duty of the Board to serve as fund trustees and to receive, disburse, retain, invest and reinvest the fund created by virtue of this part and to pay over by warrant or check the amount due under this plan to members or their widows or widowers or their estates or children. The Board, with the approval of the Administrative Services Director of the City, may enter into agreements with reputable institutions to perform any of the aforesaid duties, including, but not limited to, advising the Board with respect to any and all of its duties, but in the event the Board does so, any such agreement shall require the institutions involved to provide the Board with written reports concerning its activities at least once every six months. The compensation of such institutions shall be paid by the fund or such source of pay as is designated by applicable law. The fund shall be used for the exclusive purpose of funding and paying benefits provided hereunder, and a reversion of fund assets or a return of City contributions is prohibited except as otherwise provided by applicable law or IRS Revenue Ruling 91-4.

§ 62-309. Fund sources.

A. In addition to paying into the fund City contributions and applicable employee contributions, there shall be paid into the fund all bequests, legacies, gifts or donations made to the fund, and all sums subscribed by the public, as well as all net incomes resulting from all games, sports, entertainment, or any and all other sources of income conducted by or under the supervision of the Department of Fire and Rescue.

B. The fund shall also hold in trust contributions made by the City in its sole discretion, and by members as required herein.

§ 62-310. Gifts and grants.

Any gifts, grants, devises or bequests of any monies, real estate, personal property or other valuable things from whatever source received by the Board shall be contributed to the fund.

§ 62-311. Reward proceeds.

There shall also be turned over and paid to the fund 1/2 of all rewards that may be paid or given for or on account of extraordinary service by said Department of Fire and Rescue or by any fireman who is covered by the provisions of this part.

§ 62-312. DiLauro interest arbitration.

Section 62-313, entitled "Members contributions, increase," § 62-320, entitled "Entitlement to benefits," § 62-321, entitled "Member right to and amount of benefits," § 62-323, entitled "Disability benefits," and § 62-325, entitled "Application," are hereby amended to conform precisely with Paragraph 7, Page 7, of the DiLauro Interest Arbitration award of December 28,

1982, entitled "Proposed Pension Changes for Members Employees hired (SIC) after January 1, 1982," quoted verbatim as follows:

"A. Twenty-five years of service and attained age 50 for normal retirement.

B. Monthly pension shall be 50% of pay.

C. Service increment based on 25 years completed before the age 65.

D. Average pay shall be highest of any five years employment or pay at date of retirement.

E. Pay shall be construed to be base salary plus longevity.

F. Employee contribution of 5% shall apply only to pay as defined in Subsection (a)(5), hereof."

§ 62-313. Member contributions; increase.

A. Each employee shall contribute to the fund 4% of his pay, which amount shall be withheld from the employee's paycheck, as prescribed by City policy. In the event the City Council shall deem it necessary, in order to provide sufficient funds for payment to widows of members retired on pension, or killed, or who die in service, it shall, upon resolution, increase the aforesaid deduction to a maximum of 5%.

B. There shall be paid into the fund the amount of 5% to be deducted by the City from the salary of each fireman or employee of the Department of Fire and Rescue, until such time that the fireman or employee shall be retired under the provisions of the Firemen's Pension Fund.

§ 62-314. City contributions.

The City shall annually appropriate to the fund, such amount as the City Council may consider proper within the limitation fixed by law.

§ 62-315. Board rewards, rules and meetings.

The Board shall keep full and accurate accounts of all transactions. It shall have full power to make rules for the transaction of its business, the application and investment of its fund, its time and place of meeting, but shall meet at least four times in each and every year (special meetings upon call of the Board President).

§ 62-316. Board to request budget funds from Council.

It shall be the duty of the Board, each year at the time of making up the budget ordinance, to prepare a full and detailed statement of the assets of the fund and the amount which the City is required to contribute to the fund as an annual contribution, and to present the same to the City Council together with a statement of the amount of money required to enable the Board to pay pensions and service increments in full, together with refunds, under the plan.

§ 62-317. Board voting and decisions.

No resolution shall be passed or order made for payment of money, unless by affirmative vote of a majority of the members of the Board. In all questions coming before the Board, the Board's

decision on all questions with respect to the plan and any member's rights to benefits under the plan shall be conclusive and binding on both the member, the plan, and the City.

§ 62-318. Board to issue payment certificates.

The Board shall issue certificates signed by its President and Secretary to the member entitled to retirement and pension, and also service increment under this part, for the amount of money ordered paid to such member out of the fund, which certificate shall state for what purpose said payment is to be made.

§ 62-319. Employment termination prior to pension entitlement.

If, for any cause, any person contributing to the fund shall cease to be in the service of the Department of Fire and Rescue before he shall become eligible to receive any pension benefits, the total amount of the contributions paid into the fund by him shall be refunded in full without interest; provided, however, if any such person shall have had returned to him the amount contributed as aforesaid, and shall afterward re-enter the service of the Department of Fire and Rescue, he shall not be entitled to the pension benefits designated unless he shall return to the fund the entire amount withdrawn, in which event, the required period of service under this part shall be computed from the time he first entered the service of the Department of Fire and Rescue, excluding any period of time during which the member was not employed by the Department of Fire and Rescue. Absent repayment of contributions by the re-entering member, the date of his service shall commence upon re-entry to the Department of Fire and Rescue.

§ 62-320. Entitlement to benefits.

A. Every fireman or employee of the Department of Fire and Rescue who shall have served a continuous period of 20 years shall be entitled to be retired and eligible to pension, and may make application to the said Board for retirement, provided he has attained 50 years of age.

B. The term "continuous period of 20 years" shall be interpreted in such a way as to encompass the provisions of the Act of Assembly of June 23, 1931, P.L. 932, Art. XLIII, as amended thereafter, also known as 53 P.S. § 39321.

C. Should a member of the plan cease to be employed as a full-time fireman for any reason prior to completing the minimum age and minimum period of continuous service requirements, but after having completed 12 years of full-time service, then such member shall be entitled to vest in a reduced pension benefit as provided for in § 62-321C of this part, subject to the following conditions, and as provided for elsewhere herein:

    (1) The member must file with the Board written notice of his or her intent to vest.

    (2) The member must include in the notice the date the member intends to terminate his or her service as a full-time fireman.

    (3) The termination date shall be at least 30 days later than the date the member submits the notice to the Board.

    (4) The member must be in good standing with the Department of Fire and Rescue on the date of the notice to vest.

(5) The Board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any five years of service preceding the date, whichever shall be higher.

D. Military service.

(1) All members of the plan who are contributors and who called to military service subsequent to September 1, 1940, and who were not members of the plan prior to such military service, shall be entitled to have full credit for each year or fraction thereof, not to exceed five years of such service upon their payment to the fund of an amount equal to that which they would have paid had they been members during the period for which they desire credit, and their payment to such fund of an additional amount as the equivalent of the contributions of the City plus any interest the City would have been required to pay on the contributions on account of such military service.

(2) USERRA and HEART requirements. Effective December 12, 1994, any member who is absent on account of qualified military service and returns to City service within the period of time during which his reemployment rights are protected by federal law shall receive service credit, contributions, benefits and other rights provided under this subsection in lieu of the service credit, contributions, benefits or other rights to which the member would otherwise be entitled under this section, except to the extent the member would be entitled to more advantageous service credit, contributions, or benefits or more valuable rights under other provisions of this section. A member described in this subsection shall be credited with years of service for the full period of qualified military service, provided such member pays into the fund an amount equal to the contributions such member would have been required to make but for his absence on account of qualified military service, within the five-year period of time beginning on his reemployment date (or the lesser period of time beginning on such reemployment date that is three times the length of his qualified military service), and the City shall make all contributions that would have been due on account of such member contributions, and the member shall be entitled to all other rights and benefits accruing on account of such contributions and service. For purposes of this subsection, a member shall be treated as having received compensation during his qualified military service based on the rate of compensation the member would have received but for his qualified military service compensation, or if such amount is not reasonably certain, his average compensation during the twelve-month period immediately preceding his qualified military service (or, if shorter, the period of time immediately preceding his qualified military service). This subsection shall be applied in a manner consistent with Section 414(u) of the Code.

(a) Effective January 1, 2007, in the case of a member who dies while performing qualified military service, the member's surviving beneficiary shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided herein as though the member had resumed employment with the City on the day before death and then terminated employment on account of death in accordance with Section 401(a)(37) of the Code.

(b) Effective with respect to years beginning after December 31, 2008, for purposes of applying the limits on annual benefits and contributions and for purposes

of applying other applicable provisions of the Code, but not for purposes of determining benefits and contributions, "compensation" shall also include differential wage payments, as defined in Section 3401(h) of the Code, paid by the City to an employee on account of qualified military service.

§ 62-321. Member right to and amount of benefits; service increment contributions.

A. Amount.

(1) Payments of pension shall not be a charge on any fund in the Treasury of the City nor any account under its control save the Firemen's Pension Fund herein provided for.

(2) Except as to service increments provided for in Subsection B of this section, the annual pension of a vested eligible member, whether for disability or by reason of age or service, shall be 50% of the greater of 1) 12 times the monthly salary (including base salary, overtime, holiday and longevity) of the member at the date of vesting under § 62-320 or retirement; or 2) the highest average annual salary (including base salary, overtime, holiday and longevity), which the member received during any five years of service preceding retirement.

(3) In the case of the payment of a pension to a member for permanent injury incurred in service, and to the family of a member killed or who dies in service, the account and commencement of the payment of the pension shall be fixed by regulations of the Board. Such regulations shall not take into consideration the amount and duration of the workers' compensation allowed by law.

(4) Payments to widows of members retired on pension or killed in the service on or after January 1, 1968, shall be the amount payable to the member which would have been payable had he been retired at the time of his death. If a member dies leaving no widow but leaving to survive him a dependent child or children under the age of 18, such child or children shall be entitled to the same benefits as a widow, as hereinbefore set forth, until such child or children reach the age of 18, marry, or die.

B. In addition to the pension which is authorized to be paid from the fund by this part, and notwithstanding the limitations therein placed upon such pensions and upon contributions, every member who shall become entitled to a pension shall also be entitled to the payment of a "service increment" in accordance with and subject to the conditions hereinafter set forth.

(1) Service increment of a member shall be the sum obtained by computing the number of whole years after having served the minimum required by this part during which a member has been employed by the City and multiplying the said number of years so computed by an amount equal to 1/40th of the retirement allowance which has become payable to such member in accordance with the provisions of this part. In computing the service increment, no employment after the member has reached the age of 65 years shall be included, and no service increment shall be paid in excess of $500 per month.

(2) Each member shall pay into the fund a monthly sum in addition to his pension contribution, which shall not exceed the sum of $5 per month and, provided that such service increment contribution shall not be paid after a member has reached the age of 65 years.

(3) Any person who is a member of the Department on July 20, 1968, who has already reached the age of 65, shall have his service increment computed on the year of employment prior to the date of reaching his 65th birthday.

(4) Service increment contributions shall be paid at the same time and in the same manner as pensions, and may be withdrawn in full without interest by persons who leave the employment of such City, subject to the same conditions by which retirement contributions may be withdrawn, or by persons who retire before becoming entitled to any service increment.

(5) All members of the Department of Fire and Rescue who are now contributors to the fund and all those employed by the City after July 20, 1968, if required to become contributors to the pension fund, shall be subject to the provisions of this part.

C. In the event that a member of the fund shall be eligible for a reduced retirement benefit based upon the twelve-year vesting detailed in § 62-320C and provided that such member shall have complied with all the conditions of § 62-320C and all other applicable conditions and requirements of this part, then in such event the reduced benefit of the member shall be calculated as detailed in this subsection. Upon reaching the date which would have been the member's retirement date had the member continued his or her full-time employment with the Department of Fire and Rescue, the member shall notify the Board, in writing, that the member desires to collect his or her pension. The amount of retirement benefits the member is entitled to receive under this section shall be computed as follows:

(1) The initial determination of the member's base retirement benefits shall be computed based upon the salary indicated on the notice to vest.

(2) The portion of the base retirement benefit due the member shall be determined by applying to the base amount the percentage of his or her years of service actually rendered bears to the years of service which would have been rendered had the member continued to be employed by the Department of Fire and Rescue until his or her minimum retirement date.

§ 62-322. Benefits to be uniform; widows and children of members.

The fund shall be applied under such regulations as the Board of Managers shall prescribe for the benefit of such members of the Department of Fire and Rescue as shall receive honorable discharge therefrom by reason of the service of age or disability, widows of retired members and families of such as may be killed or who die in the service. All such pensions as shall be allowed to those who are retired by reason of the disabilities or of the service or age shall be in conformity with a uniform scale, together with service increments as hereafter provided. Benefits allowed from such fund to families of such as are killed or who die in service shall take into consideration the member's widow and his minor children under 18 years of age, if any survive.

§ 62-323. Disability benefits.

A. The Board, upon receipt of a member's application, shall pay a full pension to a member who is physically or mentally incapacitated from performing his duty in the Department of Fire and Rescue. Said pension shall be monthly payments for the life of the member of not less than 1/2 (50%) of the employee's monthly salary as of the date of disability.

B. The Board shall, upon application received, retire on pension any paid fireman or employee if he is physically or mentally incapacitated, through injury or disease incurred off the job from performing his duty in the Department of Fire and Rescue, provided the disabled fireman or employee has completed a minimum of five years in the Department. The monthly pension that an employee shall receive hereunder shall be an amount equal to 1/40 of his monthly salary as of the date of disability for each year of service. In computing years of service, a fraction of year shall be counted as such, a fraction of years.

§ 62-324. Deferred Retirement Option Program (DROP).

A. Eligibility. Effective January 1, 2006, members of the Department of Fire and Rescue that have not retired prior to the implementation of the DROP program may enter into the DROP on the first day of any month following completion of 20 years of credited service.

B. Written election. Any member of the Department of Fire and Rescue electing to participate in the DROP must complete and execute a "drop option form" prepared by the City of Reading Administrative Services Department, which shall evidence the member's participation in the DROP. The form must be signed by the member and notarized and submitted to the City of Reading Administrative Services Department, prior to the date on which the member wishes the DROP option to be effective. The DROP option notice shall include an irrevocable notice to the City, by the member, that the member shall resign from employment with the Department of Fire and Rescue effective on a specific date not more than 60 months from the effective date of the DROP option. In addition, all retirement documents required by the Firemen's Pension Fund must be filed and presented to the Pension Board for approval of retirement and payment of pension. Once a retirement application has been approved by the Board it is irrevocable.

C. Limitation on pension accrual. After the effective date of the DROP option, the member shall no longer earn or accrue additional years of continuous service for pension purposes.

D. Benefit calculation. For all retirement fund purposes, continuous service of a member participating in the DROP shall remain as it existed on the effective date of commencement of participation in the DROP. Service thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Reading Firemen's Pension Fund. The average monthly pay of the member for pension calculation purposes shall remain as it existed on the effective date of commencement of participating in the DROP. Earnings or increases in earnings thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the pension fund. The pension benefit payable to the members shall increase only as a result of the cost-of-living adjustments in effect on the effective date of the member's participation in the DROP, or applicable cost-of-living adjustments granted thereafter.

E. Payments to DROP account. The monthly retirement benefits that would have been payable had the member elected to cease employment and receive a normal retirement benefit shall, upon the member commencing participation in the DROP, be paid into the separate DROP account established to receive the member's monthly pension payments. The fund shall maintain the account. Such DROP account shall be credited with interest in a manner prescribed by the Board.

F. Payout. Upon the termination date set forth in the member's drop option notice or, such date as the member withdraws or is terminated from the DROP program, the retirement

benefits payable to the member or the member's beneficiary, if applicable, shall be paid to the member or beneficiary and shall no longer be paid to the member's deferred retirement option account. Within 30 days following termination of a member's employment pursuant to their participating in the DROP program, the balances in the member's DROP account shall be paid to the member in the single lump sum payment or, at the member's option, in any fashion permitted by law.

G. Disability during DROP. If a member becomes temporarily disabled during his participation in DROP, his participation freezes and the time period while on disability does not count towards the five-year participation limit. Upon return to duty, membership in DROP shall resume, continuing with the remaining time left in the five-year membership period. The member shall receive disability pay in the same amount as disabled firefighters that are not participating in DROP. In no event shall a member on temporary disability have the ability to draw from his DROP account. However, notwithstanding any other provision in this subsection, if a firefighter is disabled and has not returned to work as of the date of his required resignation, then such resignation shall take precedence over all other provisions herein and said firefighter shall be required to resign.

H. Death. If a DROP member dies before the DROP account balance is paid in full, the participant member's legal beneficiary shall have the same rights as the member to withdraw the account balance.

I. Individual DROP investment account. The Firemen's Pension Board may, at its discretion, select a third party to provide a mutual fund or other investment option(s), recordkeeping and reporting to the members and the Board. All investment and administrative costs shall be charged against the individual DROP investment account of the member.

J. Limitation of eligible members. There shall be a limit of 10 bargaining unit members eligible to opt into the DROP on an annual basis. In the event that more than 10 bargaining unit members opt to participate in the program in any given year, eligibility for the 10 available slots shall be determined exclusively by seniority.

K. The DROP shall not be available to an elected official, except for an official first elected prior to September 18,2009.

L. Amendment. Any amendments to the DROP ordinance shall be consistent with the provisions covering deferred retirement option plans set forth in the applicable collective bargaining agreement and shall be binding upon all future DROP members and upon all DROP members who have balances in their deferred retirement option accounts.

§ 62-325. Application.

This part shall apply to all regular salaried paid firemen and employees of the Department of Fire and Rescue.

§ 62-326. Contribution payment to estate.

In the event of the death of a pensioner, before he shall have received as much as he contributed to said fund, the balance thereof remaining, without interest, shall be paid to his estate.

§ 62-327. Pension investment account.

A. The Board may create a Firemen's Pension investment Account.

B. The Board is hereby authorized to invest for the credit of said account the surplus money accumulated in said fund in excess of such sum as may be fixed by said Board together with such amounts as may be required for the payment of pensions and service increments as directed by this part during the year.

C. The interest received from such investments shall be paid into the fund upon receipt of same, and if at any time sufficient funds are not available (inclusive of the monies appropriated by the City up to the amount it may be permitted to pay under the law) for the payment of all pensions and service increments in full, then said Board may dispose of and sell such securities as it may hold in its investment account and use the proceeds thereof to supply such deficiency.

D. All monies invested for the credit of said account shall be invested in such investments as are permissible under the Fiduciaries Investment Act of 1949, being the Act of May 26, 1949, P.L. 1828.

E. All securities are to be deposited with the Treasurer of said Board for the credit of its investment account.

§ 62-328. Exemption from attachment or execution; nonassignability.

All pensions and service increments granted under this part and every portion thereof shall be exempt from attachment of garnishment processes and shall not be seized, taken or subject to detainer or levied upon by virtue of an execution of any processes or proceedings whatsoever, issued out of or by any court in this commonwealth for the payment and satisfaction in whole or in part of any claim, damage, demand or judgment against any pensioner. No pensioner shall have the right to transfer or assign his or her pension or any part thereof, either by way of mortgage or otherwise.

§ 62-329. Effective date.

A. The provisions of this part pertaining to service increments, as provided for by Act No. 204 of the 1968 Pennsylvania Legislature, shall become effective retroactive to July 20, 1968, 53 P.S. § 39320 et seq.

B. Except as otherwise provided in Subsection A hereof, all provisions of this part shall become effective January 31, 1972.

C. The provision of this part pertaining to service increments, as provided for by Act No. 204 of the 1968 Pennsylvania Legislature, shall become effective retroactive to July 20, 1968.

§ 62-330. Direct rollovers.

A. Direct rollovers. Notwithstanding any provision herein to the contrary that would otherwise limit a distributee's election under this subsection, on and after January 1, 1993, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

B. For purposes of this section, the following definitions shall apply:

DIRECT ROLLOVER — A direct rollover is a payment by the system to the eligible retirement plan specified by the distributee.

DISTRIBUTEE — A distributee includes any member. In addition, a member's surviving spouse and the member's spouse or former spouse who is the alternate payee under a domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse. Effective with respect to distributions after 2009, a distributee also means a beneficiary of a member other than a surviving spouse.

ELIGIBLE RETIREMENT PLAN — An eligible retirement plan is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b), a Roth IRA as pursuant to Code Section 408A(e), for distributions made after December 31, 2001, an annuity plan described in Code Section 403(a) or an annuity contract described in Code Section 403(b), a qualified trust described in Code Section 401(a), or for distributions made after December 31, 2001, an eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a domestic relation order, as defined in Code Section 414(p). Effective in the case of an eligible rollover distribution to a surviving spouse before 2002 or to a beneficiary other than a surviving spouse after 2009, an eligible retirement plan is an individual retirement account or individual retirement annuity.

ELIGIBLE ROLLOVER DISTRIBUTION — An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any distribution that is made upon hardship of a member. Notwithstanding anything in this definition to the contrary, for distributions made after December 31, 2001, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Code, or a governmental 457 plan that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not.

§ 62-331. Maximum permissible benefits and contributions – Code Section 415.

A. In general. Notwithstanding anything herein to the contrary, effective for limitation years beginning on or after January 1, 1995, the annual benefit (attributable to City contributions and pickup contributions treated as City contributions) with respect to a member payable under the plan and all other defined benefit plans of the City, when expressed in the

form of a straight life annuity, shall not exceed the "maximum permissible benefit." Effective for limitation years beginning on or after January 1, 2008, in no case shall any amount accrue in a limitation year, with respect to a member under the plan or all other deferred benefits plans of the City, that would exceed the maximum permissible benefit. For purposes of this section, the member's maximum permissible benefit shall equal the dollar limit prescribed in Section 415(b)(1)(A) of the Code ($195,000 in 2011) or such other amount as may be prescribed under regulations issued by the U.S. Secretary of the Treasury under Section 415(d) of the Code, adjusted in accordance with Subsections B, C and D, below. In addition, the "annual additions," as defined in Section 415(c)(2) of the Code, made by or on behalf of any member attributable to member contributions to the plan other than pickup contributions treated as City contributions, together with any annual additions, to any Code Section 401(a) qualified defined contribution plan maintained by the City shall not exceed the maximum amount determined under Section 415(c)(1) of the Code for any limitation year as adjusted under Section 415(d) of the Code and applicable guidance. Solely for purposes of determining the maximum annual addition prescribed in Section 415(c) of the Code, "compensation" means a member's wages as defined in Section 3401(a) of the Code and all other payments of compensation to the member from the City for which the City is required to furnish the member a written statement under Sections 6041(d) and 6051(a)(3) of the Code. Compensation shall be determined without regard to any rules that limit the compensation included in wages based on the nature or location of the employment or the services performed. Compensation shall include any amount which would otherwise be deemed compensation under this definition but for the fact that it is subject to a salary reduction agreement under any plan described in Section 457(b), 132(f), or 125 of the Code. Solely for this purpose, compensation also includes regular compensation received after such member's severance from employment [as defined in Treas. Reg. § 1.415(a)-1(f)(5) (but not severance payments)]; provided that payment of such compensation is made by the later of 2 1/2 months after the member's severance from employment or the end of the calendar year that includes the member's severance from employment; and provided, further, that in order for these postseverance payments to be considered compensation for this purpose, these amounts may only consist of the following (which would otherwise constitute compensation): i) regular compensation for services during the member's regular working hours, or compensation for service outside the member's regular work hours (such as overtime or shift differential), commission, bonuses, or similar payments, if such payment would have been paid to the member prior to severance from employment if the member had continued in employment with the City; ii) payment for unused, accrued, bona fide sick, vacation or other leave (but only if the member would have been able to use the leave if employment had continued); and iii) for plan years beginning on or after January 1, 2009, payments to members who do not currently perform services for the City by reason of qualified military service [as that term is defined in Section 414(u)(l) of the Code] to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the City rather than entering qualified military service. Other types of payments paid to the member after severance from employment shall not be considered compensation for this purpose, even if paid within the time frame described above. In no event, however, shall compensation for this purpose include any amounts not permitted to be included under Section 415 of the Code.

B. Adjustment to the maximum permissible benefit. Adjustments shall be made to the maximum permissible benefit in accordance with Subsection B(1), (2) or (3) below:

(1) If a member's benefit is payable in any form other than a straight life annuity, the determination as to whether the limitation of this section has been satisfied shall be made by adjusting such benefit to the form of a straight life annuity beginning when the payment of benefits begins. The adjustment described in the preceding sentence shall be made in the manner prescribed by the U.S. Secretary of the Treasury, such that the equivalent annual benefit would be the greater of: 1) the equivalent annual benefit computed using 7% interest rate and GAM83 mortality table; and 2) the equivalent annual benefit computed using an interest assumption of 5% (for distributions made during plan years beginning in 2004 or 2005, 5.5%) and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code. Notwithstanding the preceding sentence, effective for plan years beginning after 2005, for purposes of determining whether any benefit payable as a lump sum satisfies the limitation of this section, the adjustment described in the preceding sentence shall be made in the manner prescribed by the U.S. Secretary of the Treasury, such that the equivalent annual benefit would be the greatest of: 1) the equivalent annual benefit computed using the interest rate and mortality table specified in the plan for actuarial equivalence for the particular form of benefit payable; 2) the equivalent annual benefit computed using an interest rate assumption of 5.5% and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code; and 3) the equivalent annual benefit computed using the interest rate specified in Section 417(c)(3) of the Code and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code divided by 1.05. However, for the purposes of such adjustment, any ancillary benefit that is not directly related to retirement income benefits and that portion of any joint and survivor annuity that is actuarially equivalent to the default form of payment benefit payable to a married member shall not be taken into account.

(2) Actuarial equivalent prior to age 62.

(a) If the benefit of a member who is not a "qualified participant," as defined in Section 415(b)(2)(H) of the Code, begins before he or she reaches age 62 (other than on account of becoming disabled by reason of personal injuries or sickness or death), the maximum permissible benefit shall be adjusted in accordance with Section 415(b) of the Code, to an amount (beginning when the payment of benefits begins) that is actuarially equivalent to an annual benefit equal to the maximum permissible benefit determined under Subsection A [adjusted through the limitation year when payment of benefits begins for increases in the cost of living in accordance with Section 415(d) of the Code] beginning at age 62.

[1] For limitation years beginning before July 1, 2007, the defined benefit dollar limitation applicable at an age prior to age 62 is determined as the lesser of: a) the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using a five-percent interest rate and the Unisex UP-84 Mortality Table; and b) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate and the applicable mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code.

[2] For limitation years beginning on or after July 1, 2007, the defined benefit dollar limitation applicable at an age prior to age 62 is determined as

the lesser of: a) the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using a five-percent interest rate and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Code (and expressing the member's age based on completed calendar months as of the annuity starting date); and b) the defined benefit dollar limitation multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the plan at the member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the plan at age 62, both determined without applying the limitations of Section 415 of the Code.

[3] For limitation years beginning prior to 2002, the reduction shall not reduce the maximum permissible benefit below $75,000 if the benefit begins at or after age 55, or, if the benefit begins before age 55 the equivalent of the seventy-five-thousand-dollar-limit for age 55.

(b) Any decrease in the maximum permissible benefit made in accordance with this subsection shall not reflect a mortality decrement.

(3) Actuarial equivalent after age 65.

(a) If the benefit of a member begins after he or she reaches age 65 the maximum permissible benefit of Subsection A shall be increased in accordance with Section 415(b) of the Code and the regulations thereunder to an amount (beginning when the payment of benefits begins) that is actuarially equivalent to an annual benefit equal to the maximum permissible benefit of Subsection A [adjusted through the limitation year when payment of benefits begins for increases in the cost of living in accordance with Section 415(d) of the Code] beginning at age 65.

[1] For limitation years beginning before July 1, 2007, the actuarial equivalent of the maximum permissible benefit applicable at an age after age 65 is the lesser of: a) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate and the unisex UP-84 mortality table; and b) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate assumption and the applicable mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code.

[2] For limitation years beginning on or after July 1, 2007, the actuarial equivalent of the maximum permissible benefit applicable at an age after age 65 is the lesser of: a) the actuarial equivalent (at such age) of the maximum permissible benefit using a five-percent interest rate and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Code (and expressing the member's age based on completed calendar months as of the annuity starting date); and b) the maximum permissible benefit multiplied by the ratio of the annual amount of the immediately commencing straight life annuity payable to the member, computed disregarding the member's accruals after age 65 but including any actuarial adjustments even if those adjustments are applied to offset accruals, to the annual amount of the straight life annuity that would be payable under

the plan to a hypothetical member who is 65 years old and has the same accrued benefit (with no actuarial increases for commencement after age 65 as the member receiving the distribution (determined disregarding the member's accruals after age 65 and without applying the rules of Section 415 of the Code).

(b) For purposes of both Subsection B(3)(a)[1] and [2] above, mortality between age 65 and the annuity starting date shall be ignored.

C. Lowest limitation of maximum permissible benefit. Except as provided in Subsection D hereof, the maximum permissible benefit shall never be deemed to be an amount which is less than $10,000, provided the member is not, and has never been, a member in any Code Section 401(a) qualified defined contribution plan of the employer.

D. Maximum permissible benefit applicable to certain members who have less than 10 years of participation service with the City. The maximum permissible benefit applicable to any member, other than a retiree receiving disability benefits by reasons of personal injuries or sickness or beneficiaries, survivors, or the estate of a member, who has less than 10 years of participation service with the City shall be equal to the lesser of the maximum permissible benefit or $10,000 multiplied by a fraction, the numerator of which is the number of the member's years (or part thereof) of participation service in the plan as of and including the current limitation year, and the denominator of which is 10.

E. Limitation of accrued benefit if annual benefit exceeds maximum permissible benefit. If the member's annual benefit exceeds the maximum permissible benefit after the application of the appropriate factors, such member's accrued benefit shall be limited to an amount which produces an annual benefit equal to the maximum permissible benefit, adjusted, where applicable, as set forth in this section.

F. For purposes of this section, "participation service" means an accrual computation period for which the following conditions are met: A) the member is credited with at least the period of service for benefit accrual purposes, required hereunder in order to accrue a benefit for the accrual computation period; and B) the member is included in the plan for at least one day of the accrual computation period. If these two conditions are met, participation service credited to the member hereunder shall equal the amount of benefit accrual service credited to the member for such accrual computation period.

§ 62-332. Required minimum distributions – Code Section 401(a)(9).

Notwithstanding any other provision herein, beginning after 1986, any and all benefit distributions made under the plan on or after shall be made in accordance with a reasonable and good faith interpretation of Section 401(a)(9) of the Code, including the incidental death benefit requirements of Section 401(a)(9). In accordance with this requirement, the following rules shall apply:

A. Distributions that begin during the member's lifetime shall begin no later than April 1 following the calendar year in which the member retires or the calendar year in which the member attains age 70 1/2 and be distributed over the life of the member or the joint lives of the member and his beneficiary (or over a period not extending beyond the life expectancy of the member or the joint life expectancy of the member and his beneficiary).

B. If a member dies before his entire interest has been distributed, the remaining portion shall be distributed at least as rapidly as under the method of distribution being used as of the date of the member's death.

C. If the member dies before receiving any distributions from the plan and A) the death benefit is payable to his surviving spouse, such death benefit shall be distributed over a period not exceeding such spouse's life (or life expectancy) beginning no later than: 1) December 31 of the calendar year immediately following the calendar year in which the member died; or 2) December 31 of the calendar year in which the member would have attained age 70 1/2; B) the death benefit is payable to a designated beneficiary other than the member's surviving spouse, such death benefit shall be distributed to such beneficiary over a period not exceeding the beneficiary's life (or life expectancy) beginning no later than December 31 of the calendar year following the member's death; and C) if the death benefit is not payable to the member's surviving spouse or designated beneficiary, the member's entire interest will be paid no later than December 31 of the calendar year which includes the fifth anniversary of the member's date of death.

§ 62-333. Miscellaneous.

A. Construction. The masculine gender includes the feminine and the singular includes the plural, unless the context clearly indicates otherwise.

B. Governing law. The plan and fund are governed by the Third Class City Code of Pennsylvania.[9] The plan is a governmental plan as defined in Section 414(d) of the Code and Section 3(32) of the Employee Retirement Income Security Act of 1974 (ERISA), as amended, and as such is exempt from the requirements of ERISA and those requirements of the Code from which a governmental plan is specifically exempt.

C. Pre-ERISA vesting requirement. In the event of the plan's termination or the City's permanent cessation of contributions, each member shall be vested to the extent the plan is funded.

D. Reemployment rights of veterans. Notwithstanding anything in this plan to the contrary, benefits contributions, and service credit with respect to qualified military service [as defined in Section 414(u)(5) of the Code] will be provided in accordance with Section 414(u) of the Code.

E. Amendments. The City Council shall have the authority to amend, freeze, or terminate the plan in its sole discretion, subject to any limitations imposed by applicable law.

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9. Editor's Note: See 53 P.S. § 35101 et seq.

PART 4

Police Pension Fund

[Adopted 5-8-2000 by Ord. No. 6-2000 (Ch. 1, Part 6A, of the 2001 Code of Ordinances); amended in its entirety 4-22-2013 by Ord. No. 24-2013[10]]

§ 62-401. Definitions.

As used in this part, the following words and phrases, unless a different meaning is plainly required by the context, shall have the following respective meanings:

AVERAGE ANNUAL PAY — The amount which would constitute the highest average annual compensation which the member earned during any five calendar years of his service for the City, or which would be determined by the rate of the monthly pay of such member at the date of retirement, whichever is the higher. With respect to members hired after December 31, 2011, "average annual pay" means the member's rate of monthly pay at the date of termination or the highest annual salary during any five years of service. **[Amended 9-14-2015 by Ord. No. 47-2015]**

BOARD — The Police Pension Fund Association Board to which reference is made in § 62-402.

BOARD ADMINISTRATOR — The position designated by the Board to act on behalf of the Board in matters of day-to-day administration of the plan.

CITY — The City of Reading, Pennsylvania.

CODE — The United States Internal Revenue Code, as amended, including reference, where applicable, to regulations and other guidance issued by the United States Department of Treasury and the Commissioner of the Internal Revenue Service.

COMPENSATION — Pickup contributions plus remuneration received as a City employee excluding refunds for expenses, contingency and accountable expense allowances and excluding severance payments or payments for unused vacation or unused sick leave or comp time that is paid upon termination. Compensation includes amounts excluded from income pursuant to a member's election under a cash or deferred compensation arrangement described in Sections 401(k) of the Code, an eligible deferred compensation plan described in Section 457(b) of the Code, a cafeteria plan described in Section 125 of the Code, and, effective January 1, 1998, a qualified transportation fringe benefit plan under Section 132(f) of the Code. Notwithstanding the preceding, the annual compensation of a member shall be limited as set forth in Section 401(a)(17) of the Code [as adjusted annually pursuant to section 401(a)(17)(B) of the Code and announcement by the Internal Revenue Service; for 2011, $245,000]. Compensation for any prior year shall be subject to the limitations set forth in Appendix A, A-1.[11] If compensation for any prior determination period is taken into account in determining a member's benefits for the current year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period.

DROP — Deferred Retirement Option Plan.

DROP ACCOUNT — Separate account created to accept a DROP member's monthly pension check while an employee is a DROP member.

EMPLOYEE — A person in the service of the City as a member of the police force.

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10. Editor's Note: This ordinance provided an effective date of 1-1-2012.

11. Editor's Note: Appendix A is included at the end of this chapter.

FUND — The Police Pension Fund, which shall hold the assets of the plan in trust.

MEMBER — A current or former employee who has made or makes required contributions under the plan.

MILITARY SERVICE — Honorable active service in the uniformed services listed below is considered military service for pension purposes: Navy; Air Force; Marine Corps; Coast Guard; Reserve Corps.

NEW EMPLOYEE — An employee who enters the service of the City on or after January 1,1977.

NEW MEMBER — An employee who is a member of the retirement system on or after January 1, 1977.

PENSION BENEFITS — The financial allowances provided to members pursuant to the provisions of this part.

PERSON — An officer or employee of the City.

PLAN — The City of Reading Police Pension Plan.

PRESENT EMPLOYEE — An employee in the service of the City prior to January 1,1997.

PRESENT MEMBER — An employee who is a member of the retirement system prior to January 1, 1977.

QUALIFIED MILITARY SERVICE — Any service in the uniformed services (as defined in Chapter 3 of Title 38, United States Code), by any individual if such individual is entitled to reemployment rights under such chapter with respect to such service.

RATE OF MONTHLY PAY — One-twelfth of the base pay as set forth in the salary ordinance, in effect as of date of retirement, adopted pursuant to a collective bargaining agreement and/or Act 111 arbitration, plus 1/12 of longevity pay plus 1/12 of holiday pay the member is entitled to for the calendar year.

SALARY — The base pay as set forth in the salary ordinance adopted pursuant to a collective bargaining agreement and/or Act 111 arbitration and shall not include any other compensation subject to the limits on compensation set forth in Section 401(a)(17) of the Code. With respect to members hired after December 31, 2011, "salary" means the fixed amount of compensation paid at regular, periodic intervals by the City to the member and from which pension contributions have been deducted. **[Amended 9-14-2015 by Ord. No. 47-2015]**

SPOUSE — The spouse of a member, as determined under law of the Commonwealth of Pennsylvania. Effective for designations made after December 31, 2006, a member may designate his/her spouse to be the beneficiary of the member's pension, regardless of the date of the marriage.

YEARS ON RETIREMENT — The number of whole years that a police officer has been retired as of January 1, 2001.

YEARS OR WHOLE YEARS OF SERVICE — For the purposes of computing the period of time during which a member has been employed by the City, each whole twelve-month period commencing from the date of employment of a member.

§ 62-402. Police Pension Fund Association.

A. There is hereby created a Board to be known as the "Police Pension Fund Association Board," consisting of:

(1) The Mayor or his designee.

(2) The City Auditor, formerly known as the "City Controller."

(3) The Administrative Services Director, formerly known as "Director of Accounts and Finance."

(4) The Chief of Police.

(5) One retiree member of the system to be elected by the members of the retirement system.

(6) One active police person to be chosen by members of the retirement system.

B. The representatives chosen by the members shall be elected for terms of four years. The terms of the members of the Board shall run concurrently with the term of the Mayor.

C. A vacancy in the Board occurring during the term of the representatives elected by the members of the retirement system shall be filled for the unexpired term by members of the retirement system.

D. Board members shall serve without compensation.

E. It shall be the duty of the Board to register all members and to administer the collection and distribution of the fund herein provided for and to make such reasonable rules and regulations as the Board may deem necessary in order to effectuate the provisions to a responsible institution experienced in administering the collection, distribution and investment of pension funds, but in such event the Board shall require any such institution to provide the Board with written reports of its activities relating to the fund at least once every six months.

§ 62-403. Duties of Administrative Services Director.

A. It shall be the duty of the Administrative Services Director of the City to submit to the Board statements showing the name, sex, title, compensation, duties, date of birth and date of full-time employment of a person who is eligible for membership in the retirement system.

B. In addition, it shall be the duty of the Administrative Services Director to submit to the Board through, the Pension Administrator, a statement providing years of full-time service, date of termination, total contributions to the fund by each employee and compensation for the highest five calendar years of the employment of any such terminated individual.

§ 62-404. Contributions to fund.

A. Each member shall contribute to the fund an amount equal to 5% of his salary or wages plus $1 per month. Effective January 1, 2007, said mandatory member contribution to the fund shall increase to 6.5% of his base salary plus $1 per month.

B. Contributions to the fund shall be made by the City deducting the same from the salary or wages of the member and paying said deductions to the fund. Notwithstanding the

foregoing, members hired after December 31, 2011, shall contribute to the fund an amount equal to 5% of their salary or wages per month. All employees shall, at all times, be fully vested in such contributions to the pension fund until the date of their termination, for whatever reason. **[Amended 9-14-2015 by Ord. No. 47-2015]**

§ 62-405. Right of members to pension benefits and amount of pension benefits.

A. Normal retirement benefits.

(1) Amount.

(a) Effective January 1, 1999, all members of the plan shall be eligible for a normal retirement of 50% of average annual pay upon having completed 20 years of service, without regard to age.

(b) Effective January 1, 2007, members may retire with the following benefit:

[1] Sixty percent of average annual pay with 20 years of service.

[2] Sixty two percent of average annual pay with 21 years of service.

[3] Sixty four percent of average annual pay with 22 years of service.

[4] Sixty six percent of average annual pay with 23 years of service.

[5] Sixty eight percent of average annual pay with 24 years of service.

[6] Seventy percent of average annual pay with 25 years of service.

(c) Effective January 1, 2008, all members shall be required to retire upon the completion of 30 years of service.

(d) Notwithstanding the foregoing sentence, members hired after December 31, 2011, shall be eligible for a normal retirement of 50% of average annual pay upon having completed 20 years of service and reaching 50 years of age. **[Added 9-14-2015 by Ord. No. 47-2015]**

(2) During the lifetime of any retired member, such member shall be entitled to receive 1/12 of the annual pension benefit specified in Subsection A(1). Such pension benefits shall be paid monthly, in advance, in accordance with and subject to the conditions set forth herein. Members hired after December 31, 2011, shall not be entitled to the increased benefits provided by this § 62-405A(2). Such members shall be eligible for a normal retirement of 50% of average annual pay upon having completed 20 years of service and reaching 50 years of age. **[Amended 9-14-2015 by Ord. No. 47-2015]**

(3) In addition to the pension benefits which are authorized to be paid in accordance with the previous Subsection A(2), each member who may become entitled to pension benefits shall also become entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth:

(a) Service increments shall be the sum obtained by computing the number of whole years a member shall have continued as a paid City employee after having served in the employment of the City for a period of 20 years and multiplying the number of years in excess of 20 by an amount equal to 1/40 of

the pension benefit which becomes payable to such member in accordance with the provisions of this part. The maximum service increment pension shall be $500 per month.

B. Members entitled to reduced retirement benefits. Any member who ceases to be employed by the City for any reason prior to completing the minimum required period for continuous service under Subsection C, but after having completed 12 years of full-time service shall be entitled upon retirement to receive benefits in accordance with Subsection C of this section.

C. Computation of reduced retirement benefits. Should a member of the Police Pension Fund cease to be employed as a full-time employee for any reason prior to completing the minimum period of continuous service requirement, but after completing 12 years of full-time service, the member shall be entitled to cease his or her employment and vest in his or her retirement benefit computed under § 62-405, subject to the following conditions:

(1) The member must file on a fund-authorized form with the Board Administrator a written notice of his or her intention to vest.

(2) The member must include in the notice the date the member intends to terminate his or her service as a full-time employee.

(3) The termination date shall be at least 30 days later than the date the notice to vest is received by the Board.

(4) The member must be in good standing with the Police Department on the date of notice to vest.

(5) The Board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of said notice to vest or the highest average annual salary which the member received during any five calendar years of service preceding said date, whichever is higher.

(6) Upon reaching the date which would have been the member's retirement date had the member continued his or her full-time employment with the Police Department, the member shall notify the Board, in writing, that the member desires to collect his or her pension. The amount of pension benefits the member is entitled to receive under this section shall be computed as follows:

(a) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest.

(b) The portion of the base retirement due the member shall be determined by applying to the base amount the percentage that his or her years of service actually rendered bears to the years of service which would have been rendered had the member continued to be employed by the Department until his or minimum retirement date.

D. Refund of payments used to parchase intervening military service, nonintervening military service and/or police service. At the cessation of employment, any member that has purchased service time as permitted under §§ 62-414A, B, C or 62-415, may elect to obtain a refund of all or a portion of the payments used to purchase such service time, without interest, rather than receive the benefits, if any, of the additional service time so purchased

for purposes of calculating service time under this Police Pension Fund, subject to the following conditions: **[Added 9-14-2015 by Ord. No. 47-2015]**

(1) The member must file with the Police Pension Fund Association Board written notice of his or her intention to request a refund.

(2) The member must include in the notice the date that the member intends to terminate his or her service as an employee.

(3) The refund will be scheduled for approval at the next suitable Police Pension Board meeting.

(4) The member must include in the written notice the amount of the requested refund. When requesting a partial refund, such members should give notice of their requested refund amount by stating the number of purchased years of service for which they are not requesting a refund. In this case, the remaining funds used to purchase additional service time will be refunded.

(5) The member must include in the written notice a statement acknowledging that by requesting a refund he or she forfeits any benefits, rights or entitlements, if any, associated with the additional service time purchased with the refunded payments and will be treated, for the purposes of this Police Pension Plan, as not having served the time that was purchased with the refunded payments.

(6) All refunds will be subject to tax withholding as required by applicable law. Notwithstanding the foregoing, if any member that has purchased service time as permitted under §§ 62-414A, B, C or 62-415 has previously requested and has received, prior to cessation of employment, a refund of all or a portion of the payments used to purchase such service time, and such refund has not been repaid prior to cessation of employment, the member may not obtain a refund pursuant to this § 62-405D of any purchases of service time that had previously been refunded.

§ 62-406. Right to refund of contribution in lieu of receipt of pension benefit. [Amended 9-14-2015 by Ord. No. 47-2015]

Any member who becomes entitled to pension benefits in accordance with the provisions of § 62-405 may elect to obtain a refund of all his contributions without interest rather than to receive the pension benefits provided for in any of said section. Such election must be made in writing to the Board prior to the date on which the first pension payment is made to the member. Such refund of contributions shall include all payments used to purchase service time under §§ 62-414A, B, C or 62-415, without interest.

§ 62-407. Termination of employment of members prior to being entitled to pension benefits.

Any member who has been in the service of the City for a period of less than 20 years and whose service shall terminate prior to his or her spouse or children becoming eligible for a pension shall be paid the total amount of the contributions paid into the fund by him and without interest, except as provided in § 62-405C.

§ 62-408. Permanent disability pension. [Amended 9-14-2015 by Ord. No. 47-2015]

Any member who becomes totally disabled as a result of injury or illness in the line of duty or, if not in the line of duty, after he shall have completed 10 years of service, shall be entitled to full pension benefits during such disability. Any member who becomes totally disabled not as a result of injury or illness in the line of duty and shall not have completed 10 years of service shall be entitled to a pension of 1/2 (50%) of the full pension to which he would otherwise be entitled. Proof of such disability shall consist of the sworn statement of three practicing physicians, designated by the Board, that the member is in a condition of health which totally disables him from performing the duties of his position or office or of any other gainful employment within the police force of the City to which he may be assigned. Any such member receiving pension benefits shall thereafter be subject to physical examination at any reasonable time or times, upon order of the Board, and upon his failure to submit to any such examination, his pension shall cease. Effective January 1, 1999, all police officers hired on or after January 1, 1977, who are injured in the performance of their duties and due to that injury are unable to perform the duties of a Reading Police Officer, shall be entitled to the same pension benefits as those officers hired prior to January 1, 1977.

§ 62-409. Widow or widowers and children of members.

A. The widow or widower of a member who has retired on pension hereunder, or if not retired has completed 10 years of service, shall be entitled to full pension benefits. The widow or widower of a member who has not completed 10 years of service shall be entitled to a pension benefit of 1/2 (50%) of the full pension. However, the widow or widower of a member who has been killed in service, regardless of his or her years of service shall be entitled to receive full pension benefits. Such pension shall be payable so long as such widow or widower survives and upon the death of the widow or widower such pension shall be divided equally among the children of the member under the age of 18 years. Such pension shall cease on the later date of:

   (1) The death of the widow or widower.

   (2) The 18th birthday of the youngest child.

B. Notwithstanding the foregoing, effective January 1, 2004, the survivor's benefit as a result of a killed-in-service benefit shall be equal to the pension that the member would have received had he been retired at the time of his death. **[Added 9-14-2015 by Ord. No. 47-2015]**

§ 62-410. Computation of time of service.

A. Except as set forth in Subsection B of this section, the period of service used to determine whether a member is eligible for pension benefits under the provisions of this part shall be computed from the date on which a person becomes a member of the Police Pension Fund. If, after becoming a member, a person leaves the service of the City and is subsequently re-employed, for purposes of determining eligibility for benefits, his time of service shall be computed from the date on which he last became a member of the fund.

B. A member who terminates his service in the police force of the City and has been re-employed as a member of the police force shall be entitled to credit for prior service in determining his eligibility for pension benefits under the following circumstances:

(1) Such member shall be entitled to a credit for prior service if he has repaid to the fund any contributions which he withdrew from the fund upon leaving the service of the City. The extent of prior service for which such member shall be entitled to a credit shall be based on the length of time during which such member originally paid the contributions which he withdrew and which he repaid.

§ 62-411. Receipt of contributions; payment from and investment of fund.

A. It shall be the exclusive duty of the Board to serve as fund trustees and to receive, disburse, retain, invest and reinvest the fund created by virtue of this part and to pay over by warrant or check the amount due under this plan to members or their widows or widowers or their estates or children. The Board, with the approval of the Administrative Services Director of the City, may enter into agreements with reputable institutions to perform any of the aforesaid duties, including, but not limited to, advising the Board with respect to any and all of its duties, but in the event the Board does so, any such agreement shall require the institutions involved to provide the Board with written reports concerning its activities at least once every six months. The compensation of such institutions shall be paid by the fund or such source of pay as is designated by applicable law. The fund shall be used for the exclusive purpose of funding and paying benefits provided hereunder, and a reversion of fund assets or a return of City contributions is prohibited, except as otherwise provided by applicable law or IRS Revenue Ruling 91-4.

B. The City shall contribute to the fund an amount sufficient to meet the requirements of the fund but such amount shall not be less than Subsection B(1), nor more than Subsection B(2).

(1) An amount equal to 1/2% of all City taxes levied by the City, other than taxes levied to pay interest on or to extinguish the debt of the City or any part thereof, plus such additional amounts as are actuarially necessary to provide for the cost of pensions paid to widows, widowers and children of members.

(2) An amount equal to 3% of all City taxes levied by the City other than taxes levied to pay interest on or to extinguish the debt of the City or any part thereof, plus such additional amounts as are actuarially necessary to provide for the cost of pensions paid to widows, widowers and children of members.

(3) The City may take by gift, grant, devise or bequest any money or property, real, personal or mixed, for the benefit of this fund. The Board shall enter into such agreements for the care, management and disposal of such funds, in a manner consistent with the directions of the respective donors.

C. Effective January 1, 2007, notwithstanding anything the contrary provided herein, the City shall guarantee placement of funds to make the current police pension solvent to accommodate the increase in benefit. Said fund amount shall be determined and agreed upon by both the City and FOP.

§ 62-412. Exemption from attachment or execution; nonassignability.

The pension benefits and service increments herein provided for shall not be subject to attachment or execution, assignment or transfer and shall be payable only to the person designated by this part.

§ 62-413. Payment to estate.

In the event that any member dies prior to becoming entitled to any pension benefits hereunder, and leaves no widow or widower or children eligible for benefits hereunder, the member's remaining contributions in the fund shall be paid without interest to the following parties in the order designated:

A. To the estate of the member;

B. To a person entitled to the contributions in accordance with the interstate laws of the Commonwealth of Pennsylvania.

§ 62-414. Military service.

A. Intervening. Any member who enters active military service at a time when he is a member of the plan shall have his years (or completed calendar months) of active military service, not to exceed a total of five, credited as years of service for retirement purposes; provided that:

(1) He receives an honorable discharge, certificate of satisfactory service or the equivalent thereof, and produces same to the Board.

(2) He is re-employed by the City within 90 days of such discharge or within such longer period as his re-employment rights are protected by law.

(3) He shall pay into the fund the amount which he would have been obligated to pay during the period of his military service, but not to exceed a total of five years, if he had been an active employee of the City, which amount shall be based on his salary or wages as a City employee immediately before his departure for active military service.

Members hired after December 31, 2011, may not purchase intervening military service credit. **[Added 9-14-2015 by Ord. No. 47-2015]**

B. Nonintervening. Any member who has not retired and who entered military service subsequent to September 1, 1940, and was not a member of the plan prior to such military service, shall be entitled to make application (on a form, if any, prescribed by the Board) to the plan and have completed months of military service, not to exceed five years, credited as years of service for retirement purposes, under the following conditions:

(1) The member shall pay to the fund an amount equal to the total of Subsection B(1)(a) and (b) below:

(a) An amount equivalent to the pension contribution of Patrol Trainee for the first year, Patrolman 1 for the second year, Patrolman 2 for the third year and Patrolman 3 for the fourth and fifth years during the years the military service was credited, each of which to be determined as of the date the employee becomes a member.

(b) An amount equivalent to 15.7% of such member's salary representing the City's normal cost (as determined by the actuary), or such rate as computed under the most recent actuarial valuation available as of the date the person becomes a member.

(2) A member who has not completed payment, either through payroll deduction or by any other payment method, of the entire amount required under the previous subsections by the time the member files a letter of resignation or retirement the member shall not be permitted to receive credit for such nonintervening military service. Any partial payment made by such member on or prior to termination of the member shall be refunded to such member.

Members hired after December 31, 2011, may not purchase nonintervening military service credit.
[Added 9-14-2015 by Ord. No. 47-2015]

C. USERRA and HEART requirements. Effective December 12, 1994, any member who is absent on account of qualified military service and returns to City service within the period of time during which his reemployment rights are protected by federal law shall receive service credit, contributions, benefits and other rights provided under this subsection in lieu of the service credit, contributions, benefits or other rights to which the member would otherwise be entitled under this section, except to the extent the member would be entitled to more advantageous service credit, contributions, or benefits or more valuable rights under other provisions of this section. A member described in this subsection shall be credited with years of service for the full period of qualified military service, provided such member pays into the fund an amount equal to the contributions such member would have been required to make but for his absence on account of qualified military service, within the five-year period of time beginning on his reemployment date (or the lesser period of time beginning on such reemployment date that is three times the length of his qualified military service), and the City shall make all contributions that would have been due on account of such member contributions, and the member shall be entitled to all other rights and benefits accruing on account of such contributions and service. For purposes of this subsection, a member shall be treated as having received compensation during his qualified military service based on the rate of compensation the member would have received but for his qualified military service compensation, or if such amount is not reasonably certain, his average compensation during the twelve-month period immediately preceding his qualified military service (or, if shorter, the period of time immediately preceding his qualified military service). This subsection shall be applied in a manner consistent with Section 414(u) of the Code.

(1) Effective January 1, 2007, in the case of a member who dies while performing qualified military service, the member's surviving beneficiary shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided herein as though the member had resumed employment with the City on the day before death and then terminated employment on account of death in accordance with Section 401(a)(37) of the Code.

(2) Effective with respect to years beginning after December 31, 2008, for purposes of applying the limits on annual benefits and contributions and for purposes of applying other applicable provisions of the Code, but not for purposes of determining benefits and contributions, "compensation" shall also include differential wage payments, as defined in Section 3401(h) of the Code, paid by the City to an employee on account of qualified military service.

§ 62-415. Police service.

Any member who has not retired shall be entitled to have full credit (consistent with the military service purchase rules in § 62-414) for each year or fraction thereof, to the completed month, not to exceed five years under the following conditions:

A. He shall pay the buyback rate set forth in § 62-414B(1) based upon his first year of hire.

B. Buyback may be made at any time prior to retirement (installment payment plans shall be allowed and implemented) but current retirement standards shall apply.

C. Members hired after December 31, 2011, may not purchase police service credit.

§ 62-416. Increases in allowances following retirement.

A. On and after the effective date of this section, pension benefits shall be increased to those members who have previously retired only upon the action of the City Council and only if the funded status of the fund is such that sufficient provision is made to provide for the accrual of normal cost of future service benefits and of interest on unfunded accrued liabilities.

B. The fund shall pay a member a special ad hoc postretirement adjustment if all of the following apply:

(1) The retiree has terminated active employment with the City as a member.

(2) The retiree is receiving a retirement benefit from the City on the basis of active employment with the City as a police officer.

(3) The retiree began receiving the pension benefit before January 1, 1996.

C. Except as provided in Subsections D and E, the fund shall pay a member a monthly special ad hoc postretirement adjustment under this section that shall be calculated as follows:

(1) The base adjustment shall be determined by multiplying 15 cents by the years of service and then multiplying that product by the years on retirement.

(2) The longevity factor shall be determined as the sum of the products calculated by multiplying 0.025 by the years on retirement and 0.05 by the years on retirement in excess of 25, if any.

(3) The longevity adjustment shall be determined by multiplying the base adjustment calculated under Subsection C(1) by the longevity factor calculated under Subsection C(2).

(4) The special ad hoc postretirement adjustment payable under this section shall be the sum of the base adjustment calculated under Subsection C(1) and the longevity adjustment calculated under Subsection C(3).

D. Limitation. If a retiree is entitled to be paid a special ad hoc postretirement adjustment by more than one municipal retirement system, the amount of the special ad hoc postretirement adjustment under Subsection C shall be reduced before such payments commence so that the total of all these adjustments paid to the retiree does not exceed the amount specified in Subsection C.

E. Modification in the amount of 2002 special ad hoc postretirement adjustment. The amount of the special ad hoc postretirement adjustment calculated under Subsection C shall be reduced annually by 65% of the total amount of any postretirement adjustments provided to the retiree under any other City pension plan after December 31, 1988, and before January 1, 2002, and paid in the immediately preceding year.

F. The special ad hoc postretirement adjustment under this section is effective on the date of the first pension benefit payment issued after June 30, 2002. If the special ad hoc postretirement adjustment under this section is not commenced in the initial retirement benefit payment occurring after June 30, 2002, the special ad hoc postretirement adjustment shall be included as soon as practicable in the pension benefit payment of the retiree, and the initial pension benefit payment that includes the special ad hoc postretirement adjustment also shall include the total amount of the special ad hoc postretirement adjustments previously omitted from the pension benefit payments made after June 30, 2002.

§ 62-417. Deferred Retirement Option Program (DROP).

A. Eligibility. Effective January 1, 2001, members of the Reading Police Department, who have not retired prior to the implementation of the DROP program may enter into the DROP on the first day of any month following completion of 20 years of credited service. Members of the Reading Police Department hired after December 31, 2011, shall not be eligible for or permitted to participate in the DROP program. **[Amended 9-14-2015 by Ord. No. 47-2015]**

B. Written election. An eligible member electing to participate in the DROP must complete and execute a "DROP option form" prepared by the City of Reading, Administrative Services Department, which shall evidence the member's participation in the DROP. The form must be signed by the member and notarized and submitted to the City of Reading, Administrative Services Department, prior to the date on which the member wishes the DROP option to be effective. The DROP option form shall include an irrevocable notice to the City, by the member, that the member shall resign from employment with the City of Reading Police Department effective on a specific date not more than 60 months from the effective date of the DROP option. In addition, and consistent with the member's resignation date, all retirement documents required by the Board Administrator must be filed and presented to the Board for approval of retirement and payment of pension. Once a retirement application has been approved by the Board it is irrevocable.

C. Limitation on pension accrual. After the effective date of the DROP option, the member shall no longer earn or accrue additional years of continuous service nor will the member's compensation change for pension purposes.

D. Benefit calculation. For all retirement fund purposes, continuous service of a member participating in the DROP shall remain as it existed on the effective date of commencement of participation in the DROP. Service thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the fund. The average monthly pay of the member for pension calculation purposes shall remain as it existed on the effective date of commencement of participation in the DROP. Earnings or increases in earnings thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Pension Fund. The pension benefit payable to the member shall increase only as a result of cost-of-living adjustments in effect on the effective date

of the member's participation in the DROP, or by applicable cost-of-living adjustments granted thereafter. During the period the member participates in the DROP, such member shall contribute to the fund an amount equal to 5% of his salary or wages per month. However, members who made an election to participate in the DROP prior to January 1, 2012, shall not be required to make mandatory contributions to the fund during the period such members participate in the DROP. **[Amended 9-14-2015 by Ord. No. 47-2015]**

E. Payments to DROP account. The monthly retirement benefits that would have been payable had the member elected to cease employment and receive a normal retirement benefit shall, upon the member commencing participation in the DROP, be paid into a separate DROP account established to receive the member's monthly pension payments. Such DROP account shall be credited with interest in a manner prescribed by the Board.

F. Payout. Upon the termination date set forth in the member's drop option form, or such date as the member withdraws or is terminated from the DROP program, the retirement benefits payable to the member or the member's beneficiary, if applicable, shall be paid to the member or beneficiary and shall no longer be paid to the member's deferred retirement option account. Within 30 days following termination of a member's employment pursuant to their participating in the DROP program, the balances in the member's deferred retirement option account shall be paid to the member in a single lump sum payment, or at the member's option, in any fashion permitted by law.

G. Disability During DROP. If a member becomes temporarily disabled during his participation in DROP, his participation freezes and the time period while on disability does not count towards the five-year participation limit. Upon return to duty, membership in DROP shall resume, continuing with the remaining time left in the five-year membership period. The member shall receive disability pay in the same amount as a disabled member who is not participating in DROP. In no event shall a member on temporary disability have the ability to draw from his DROP account. However, notwithstanding any other provisions in this subsection, if an officer is disabled and has not returned to work as of the date of his required resignation, then such resignation shall take precedence over all other provisions herein and said officer shall be required to resign.

H. Death. If a DROP member dies before the DROP account balance is paid, the member's legal beneficiary shall have the same rights as the member to withdraw the account balance.

I. The DROP shall not be available to an elected official, except for an official first elected prior to September 18, 2009.

J. Except as may be required by applicable law, or otherwise noted in the Plan, any amendments to this § 62-417 shall be consistent with the provisions covering deferred retirement options plans set forth in any applicable collective bargaining agreement and shall be binding upon all future DROP members and upon all DROP members who have balances in their deferred retirement option accounts. **[Amended 9-14-2015 by Ord. No. 47-2015]**

§ 62-418. Direct rollovers.

A. Direct rollovers. Notwithstanding any provision herein to the contrary that would otherwise limit a distributee's election under this subsection, on and after January 1, 1993, a distributee may elect, at the time and in the manner prescribed by the Board, to have

any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

B. For purposes of this section, the following definitions shall apply:

DIRECT ROLLOVER — A direct rollover is a payment by the system to the eligible retirement plan specified by the distributee.

DISTRIBUTEE — A distributee includes any member. In addition, a member's surviving spouse and the member's spouse or former spouse who is the alternate payee under a domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse. Effective with respect to distributions after 2009, a distributee also means a beneficiary of a member other than a surviving spouse.

ELIGIBLE RETIREMENT PLAN — An eligible retirement plan is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b), a Roth IRA as pursuant to Code Section 408A(e), for distributions made after December 31, 2001, an annuity plan described in Code Section 403(a) or an annuity contract described in Code Section 403(b), a qualified trust described in Code Section 401(a), or for distributions made after December 31, 2001, an eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a domestic relation order, as defined in Code Section 414(p). Effective in the case of an eligible rollover distribution to a surviving spouse before 2002 or to a beneficiary other than a surviving spouse after 2009, an eligible retirement plan is an individual retirement account or individual retirement annuity.

ELIGIBLE ROLLOVER DISTRIBUTION — An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any distribution that is made upon hardship of a member. Notwithstanding anything in this definition to the contrary, for distributions made after December 31, 2001, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Code, or a governmental 457 plan that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not.

§ 62-419. Maximum permissible benefits and contributions – Code Section 415.

A. In general. Notwithstanding anything herein to the contrary, effective for limitation years beginning on or after January 1, 1995, the annual benefit (attributable to City contributions and pickup contributions treated as City contributions) with respect to a member payable under the plan and all other defined benefit plans of the City, when expressed in the form of a straight life annuity, shall not exceed the "maximum permissible benefit." Effective for limitation years beginning on or after January 1, 2008, in no case shall any amount accrue in a limitation year, with respect to a member under the plan or all other deferred benefits plans of the City, that would exceed the maximum permissible benefit. For purposes of this section, the member's maximum permissible benefit shall equal the dollar limit prescribed in Section 415(b)(1)(A) of the Code ($195,000 in 2011) or such other amount as may be prescribed under regulations issued by the U.S. Secretary of the Treasury under Section 415(d) of the Code, adjusted in accordance with Subsection B, C and D, below. In addition, the "annual additions," as defined in Section 415(c)(2) of the Code, including payments to a member's DROP account, made by or on behalf on any member attributable to member contributions to the plan other than pickup contributions treated as City contributions, together with any annual additions, to any Code Section 401(a) qualified defined contribution plan maintained by the City shall not exceed the maximum amount determined under Section 415(c)(1) of the Code for any limitation year, as adjusted under Section 415(d) of the Code and applicable guidance. Solely for purposes of determining the maximum annual addition prescribed in Section 415(c) of the Code, compensation means a member's wages as defined in Section 3401(a) of the Code and all other payments of compensation to the member from the City for which the City is required to furnish the member a written statement under Sections 6041(d) and 6051(a)(3) of the Code. Compensation shall be determined without regard to any rules that limit the compensation included in wages based on the nature or location of the employment or the services performed. Compensation shall include any amount which would otherwise be deemed compensation under this definition but for the fact that it is subject to a salary reduction agreement under any plan described in Section 457(b), 132(f), or 125 of the Code. Solely for this purpose, compensation also includes regular compensation received after such member's severance from employment [as defined in Treas. Reg. § 1.415(a)-1(f)(5) (but not severance payments)]; provided that payment of such compensation is made by the later of 2 1/2 months after the member's severance from employment or the end of the calendar year that includes the member's severance from employment; and provided, further, that in order for these postseverance payments to be considered compensation for this purpose, these amounts may only consist of the following (which would otherwise constitute compensation): i) regular compensation for services during the member's regular working hours, or compensation for service outside the member's regular work hours (such as overtime or shift differential), commission, bonuses, or similar payments, if such payment would have been paid to the member prior to severance from employment if the member had continued in employment with the City; ii) payment for unused, accrued, bona fide sick, vacation or other leave (but only if the member would have been able to use the leave if employment had continued); and iii) for plan years beginning on or after January 1, 2009, payments to members who do not currently perform services for the City by reason of qualified military service [as that term is defined in section 414(u)(1) of the Code] to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the City rather than entering qualified military service. Other types of payments paid to the member after severance from employment shall not be considered compensation for this purpose, even if paid within the time frame described above. In no event, however,

shall compensation for this purpose include any amounts not permitted to be included under Section 415 of the Code.

B. Adjustment to the maximum permissible benefit. Adjustments shall be made to the maximum permissible benefit in accordance with Subsection B(1), (2) or (3) below:

(1) If a member's benefit is payable in any form other than a straight life annuity, the determination as to whether the limitation of this section has been satisfied shall be made by adjusting such benefit to the form of a straight life annuity beginning when the payment of benefits begins. The adjustment described in the preceding sentence shall be made in the manner prescribed by the U.S. Secretary of the Treasury, such that the equivalent annual benefit would be the greater of: 1) the equivalent annual benefit computed using 7% interest rate and GAM83 mortality table; and 2) the equivalent annual benefit computed using an interest assumption of 5% (for distributions made during plan years beginning in 2004 or 2005, 5.5%) and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code. Notwithstanding the preceding sentence, effective for plan years beginning after 2005, for purposes of determining whether any benefit payable as a lump sum satisfies the limitation of this section, the adjustment described in the preceding sentence shall be made in the manner prescribed by the U.S. Secretary of the Treasury, such that the equivalent annual benefit would be the greatest of: 1) the equivalent annual benefit computed using the interest rate and mortality table specified in the plan for actuarial equivalence for the particular form of benefit payable; 2) the equivalent annual benefit computed using an interest rate assumption of 5.5% and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code; and 3) the equivalent annual benefit computed using the interest rate specified in Section 417(e)(3) of the Code and the mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code divided by 1.05. However, for the purposes of such adjustment, any ancillary benefit that is not directly related to retirement income benefits and that portion of any joint and survivor annuity that is actuarially equivalent to the default form of payment benefit payable to a married member shall not be taken into account.

(2) Actuarial equivalent prior to age 62.

(a) If the benefit of a member who is not a "qualified participant," as defined in Section 415(b)(2)(H) of the Code, begins before he or she reaches age 62 (other than on account of becoming disabled by reason of personal injuries or sickness or death), the maximum permissible benefit shall be adjusted in accordance with Section 415(b) of the Code, to an amount (beginning when the payment of benefits begins) that is actuarially equivalent to an annual benefit equal to the maximum permissible benefit determined under Subsection A [adjusted through the limitation year when payment of benefits begins for increases in the cost of living in accordance with Section 415(d) of the Code] beginning at age 62.

[1] For limitation years beginning before July 1, 2007, the defined benefit dollar limitation applicable at an age prior to age 62 is determined as the lesser of: a) the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using a five-percent interest rate and the Unisex UP-84 Mortality Table; and b) the actuarial equivalent (at such age) of the

maximum permissible benefit computed using a five-percent interest rate and the applicable mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code.

[2] For limitation years beginning on or after July 1, 2007, the defined benefit dollar limitation applicable at an age prior to age 62 is determined as the lesser of: a) the actuarial equivalent (at such age) of the defined benefit dollar limitation computed using a five-percent interest rate and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Code (and expressing the member's age based on completed calendar months as of the annuity starting date); and b) the defined benefit dollar limitation multiplied by the ratio of the annual amount of the immediately commencing straight life annuity under the plan at the member's annuity starting date to the annual amount of the immediately commencing straight life annuity under the plan at age 62 both determined without applying the limitations of Section 415 of the Code.

[3] For limitation years beginning prior to 2002, the reduction shall not reduce the maximum permissible benefit below $75,000 if the benefit begins at or after age 55, or, if the benefit begins before age 55, the equivalent of the $75,000 limit for age 55.

(b) Any decrease in the maximum permissible benefit made in accordance with this subsection shall not reflect a mortality decrement.

(3) Actuarial equivalent after age 65.

(a) If the benefit of a member begins after he or she reaches age 65, the maximum permissible benefit of Subsection A shall be increased in accordance with Section 415(b) of the Code and the regulations thereunder to an amount (beginning when the payment of benefits begins) that is actuarially equivalent to an annual benefit equal to the maximum permissible benefit of Subsection A [adjusted through the limitation year when payment of benefits begins for increases in the cost of living in accordance with Section 415(d) of the Code] beginning at age 65.

[1] For limitation years beginning before July 1, 2007, the actuarial equivalent of the maximum permissible benefit applicable at an age after age 65 is the lesser of: a) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate and the unisex UP-84 mortality table; and b) the actuarial equivalent (at such age) of the maximum permissible benefit computed using a five-percent interest rate assumption and the applicable mortality table prescribed by the U.S. Secretary of the Treasury under Section 415(b)(2)(E)(v) of the Code.

[2] For limitation years beginning on or after July 1, 2007, the actuarial equivalent of the maximum permissible benefit applicable at an age after age 65 is the lesser of: a) the actuarial equivalent (at such age) of the maximum permissible benefit using a five-percent interest rate and the applicable mortality table within the meaning of Section 417(e)(3)(B) of the Code (and expressing, the member's age based on completed calendar months as of the annuity starting date); and b) the maximum permissible

benefit multiplied by the ratio of the annual amount of the immediately commencing straight life annuity payable to the member, computed disregarding the member's accruals after age 65, but including any actuarial adjustments even if those adjustments are applied to offset accruals, to the annual amount of the straight life annuity that would be payable under the plan to a hypothetical member who is 65 years old and has the same accrued benefit (with no actuarial increases for commencement after age 65 as the member receiving the distribution (determined disregarding the member's accruals after age 65 and without applying the rules of Section 415 of the Code.

(b) For purposes of both Subsection B(3)(a)[1] and [2] above, mortality between age 65 and the annuity starting date shall be ignored.

C. Lowest limitation of maximum permissible benefit. Except as provided in Subsection D hereof, the maximum permissible benefit shall never be deemed to be an amount which is less than $10,000, provided the member is not, and has never been, a member in any Code Section 401(a) qualified defined contribution plan of the employer.

D. Maximum permissible benefit applicable to certain members who have less than 10 years of participation service with the City. The maximum permissible benefit applicable to any member, other than a retiree receiving disability benefits by reasons of personal injuries or sickness or beneficiaries, survivors, or the estate of a member, who has less than 10 years of participation service with the City shall be equal to the lesser of the maximum permissible benefit or $10,000 multiplied by a fraction, the numerator of which is the number of the member's years (or part thereof) of participation service in the plan as of and including the current limitation year, and the denominator of which is 10.

E. Limitation of accrued benefit if annual benefit exceeds maximum permissible benefit. If the member's annual benefit exceeds the maximum permissible benefit after the application of the appropriate factors, such member's accrued benefit shall be limited to an amount which produces an annual benefit equal to the maximum permissible benefit, adjusted, where applicable, as set forth in this section.

F. For purposes of this section, "participation service" means an accrual computation period for which the following conditions are met: A) the member is credited with at least the period of service for benefit accrual purposes, required hereunder in order to accrue a benefit for the accrual computation period; and B) the member is included in the plan for at least one day of the accrual computation period. If these two conditions are met, participation service credited to the member hereunder shall equal the amount of benefit accrual service credited to the member for such accrual computation period.

§ 62-420. Required minimum distributions – Code Section 401(a)(9).

Notwithstanding any other provision herein, beginning after 1986, any and all benefit distributions made under the plan on or after shall be made in accordance with a reasonable and good faith interpretation of Section 401(a)(9) of the Code, including the incidental death benefit requirements of Section 401(a)(9). In accordance with this requirement, the following rules shall apply:

A. Distributions that begin during the member's lifetime shall begin no later than April 1 following the calendar year in which the member retires or the calendar year in which the member attains age 70 1/2 and be distributed over the life of the member of the joint lives of the member and his beneficiary (or over a period not extending beyond the life expectancy of the member or the joint life expectancy of the member and his beneficiary).

B. If a member dies before his entire interest has been distributed, the remaining portion shall be distributed at least as rapidly as under the method of distribution being used as of the date of the member's death.

C. If the member dies before receiving any distributions from the plan and A) the death benefit is payable to his surviving spouse, such death benefit shall be distributed over a period not exceeding such spouse's life (or life expectancy) beginning no later than: 1) December 31 of the calendar year immediately following the calendar year in which the member died; or 2) December 31 of the calendar year in which the member would have attained age 70 1/2; B) the death benefit is payable to a designated beneficiary other than the member's surviving spouse, such death benefit shall be distributed to such beneficiary over a period not exceeding the beneficiary's life (or life expectancy) beginning no later than December 31 of the calendar year following the member's death; and C) if the death benefit is not payable to the member's surviving spouse or designated beneficiary, the member's entire interest will be paid no later than December 31 of the calendar year which includes the fifth anniversary of the member's date of death.

§ 62-421. Miscellaneous.

A. Construction. The masculine gender includes the feminine and the singular includes the plural, unless the context clearly indicates otherwise.

B. Governing law. The plan and fund are governed by the Third Class City Code of Pennsylvania.[12] For employees hired after December 31, 2011, the City shall not provide benefits under the plan that exceed the minimum mandatory benefits as described in the Police Pension portion (53 P.S. §§ 39301 to 39309) of the Third Class City Code. The plan is a government plan as defined in § 414(d) of the Code and § 3(32) of the Employee Retirement Income Security Act of 1974 (ERISA), as amended, and as such is exempt from the requirements of ERISA and those requirements of the Code from which a governmental plan is specifically exempt. **[Amended 9-14-2015 by Ord. No. 47-2015]**

C. Pre-ERISA vesting requirement. In the event of the plan's termination or the City's permanent cessation of contributions, each member shall be vested to the extent the plan is funded.

D. Amendments. The City Council shall have the authority to amend, freeze, or terminate the plan in its sole discretion, subject to any limitations imposed by applicable law.

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12. Editor's Note: See 53 P.S. § 35101 et seq.

62 Attachment 1

City of Reading

Appendix A
Corrective Retroactive Amendments

A-1. Definition of "compensation" is limited as follows:

A. For plan years beginning on or after January 1, 1989, and before January 1, 1994. Effective as of the first day of the first plan year beginning after 1988 and ending before 1994, the annual compensation of each member taken into account for any purpose under the system shall not exceed $200,000 [as adjusted under Section 401(a)(17) of the code].

B. For plan years beginning on or after January 1, 1994, and before January 1, 2002. Effective for plan years beginning on or after January 1, 1994, and before January 1, 1997, the annual compensation of each member taken into account for any purpose under the system shall not exceed $150,000 [as adjusted under Section 401(a)(17) of the code]. For plan years beginning on or after January 1, 1997, and before January 1, 2002, any reference herein to the limitation under Section 401(a)(17) of the code shall mean the limit described herein; specifically, $160,000 for any determination period beginning in 1997, 1998, or 1999; and $170,000 for any determination period beginning in 2000 or 2001. The adjustment to the compensation limit under Section 401(a)(17) of the code in effect for a calendar year applies to any period, not exceeding 12 months, over which compensation is determined ("determination period") beginning in such calendar year. If a determination period consists of fewer than 12 months, the limit described herein will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is 12. If compensation for any prior determination period is taken into account in determining a member's benefit in the current plan year, the compensation for that prior determination period is subject to the limit described herein as in effect for that prior determination period.

C. Plan years beginning on or after January 1, 2002. The annual compensation of each member taken into account in determining benefit accruals in any plan year beginning after December 31, 2001, shall not exceed $200,000. "Annual compensation" means compensation during the plan year or the determination period. The $200,000 limit on annual compensation shall be adjusted for cost-of-living increases in accordance with Section 401(a)(17)(B) of the code. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If a determination period consists of fewer than 12 months, the annual compensation limit described herein will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is 12.

A-2. Section 415 limits on accrued benefits.

A. In general. Notwithstanding anything in the retirement system to the contrary, the limitations on benefits and contributions contained in Section 415 of the code are generally applicable to benefits payable under the system effective for plan years after December 31, 1975; except, however, a person who was an active member before October 3, 1973, whose annual benefit [within the meaning of Section 415(b)(2) of the Internal Revenue Code of 1954 (the 1954 code] does not exceed 100% of his annual rate of compensation on the earlier of: i) October 2, 1973; or ii) the date on which he separated from City service, and such annual benefit is not greater than the annual benefit which would have been payable to the such member on retirement if: i) all the terms and conditions of the system in existence on such date had remained in existence until such retirement; and ii) his compensation taken into account for any period after October 2, 1973, had not exceeded his annual rate of compensation on such date, and in the case of a member who separated from City service prior to October 2, 1973, such annual benefit is no greater than his vested accrued benefit as of the date he separated from service, then such annual benefit shall be treated as not exceeding the limitations of Subsection 415(b) of the 1954 Code.

B. Combined limit. Without negating the generality of A-2(A), for limitation years beginning after December 31, 1975, and before January 1, 2000, if a member participates in one or more defined benefit plans and makes member contributions other than contributions treated as pickup contributions or participates in one or more code Section 401(a) qualified defined contribution plans, or a welfare benefit fund as defined in Section 419(e) of the code, under which amounts attributable to postretirement medical benefits are allocated to separate accounts of key employees, as defined in Section 419A(d)(3) of the code, or an individual medical account, as defined in Section 415(1)(2) of the code, which is part of a pension or annuity plan, the member's accrued benefit under the system shall be adjusted to the extent required, if at all, so that the sum of the defined benefit fraction and the defined contribution fraction for any limitation year shall not exceed 1.4 (effective January 1, 1982, 1.0).

(1) Defined benefit fraction. The defined benefit fraction for any limitation year is a fraction: a) the numerator of which is the member's projected annual benefit (determined as of the close of the limitation year) under all such defined benefit plans (whether or not terminated); and b) the denominator of which is i) the sum of the maximum amount of annual additions to such account which could have been made for each year and for each prior year; and ii) effective January 1, 1982, the lesser of A) $90,000, or the applicable dollar limit under Section 415(b) of the code for such limitation year multiplied by 1.25; or B) for limitation years ending before 1995, the member's average annual compensation for the three consecutive calendar years of active participation, that produce the highest average, multiplied by 1.4.

(2) Defined contribution fraction. The defined contribution fraction for any limitation year is a fraction: i) the numerator of which is the total of the amount treated as annual additions, under Section 415(c) of the code, to the member's accounts as of the close of the limitation year under all defined contribution plans (whether or not terminated); and ii) the denominator of which is the lesser of the following amounts determined for the limitation year and for each prior limitation year for which the member was an employee (regardless of whether any plan was in existence during such year):

(a) Thirty thousand dollars, or the applicable dollar limit for each such limitation year, multiplied by 1.25; or

(b) Thirty five percent of the member's compensation, defined under IRC § 415(c) as in effect before January 1, 2000, for each such limitation year.

Chapter 70

PERSONNEL

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PART 8
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§ 70-801. Appeal procedure.

[HISTORY: Adopted by the City Council of the City of Reading 6-24-1996 by Ord. No. 18-1996 (Ch. 1, Part 2, of the 2001 Code of Ordinances) Amendments noted where applicable.]

GENERAL REFERENCES

Administrative code — See Ch. 5.

Pensions — See Ch. 62.

Salaries and compensation — See Ch. 91.

STATE LAW REFERENCES

Officers and employee provisions — See 53 P.S. § 35901 et seq.

Power to hire employees — See 53 P.S. § 37403(2).

PART 1
General Provisions

§ 70-101. Conflict.

In the event any provisions of the Personnel Code shall be inconsistent with or conflict with any provision of the Charter, the provision of the Charter shall take precedence over this Personnel Code.

§ 70-102. Director of Administrative Services Department.

The Director of the Administrative Services Department responsibilities are specified in the Administrative Code.[1] In addition, he/she is responsible for the administration and interpretation of this Personnel Code.

§ 70-103. Coverage and exclusion.

A. Collective bargaining agreements and civil service regulations take precedence.

B. All nonuniformed employees shall be governed by this Personnel Code contained herein unless exempted by the Charter or noted herein.

C. Section 702(a) and (b) of the Charter stipulate career and exempt service.

Editor's Note: §§ 701(a) and (b) of the Charter provides:

§ 702. Personnel system and personnel code.

Each elected official, officer and employee of the City shall be a member of either the career or exempt service.

(a) The exempt service shall consist of:

(i) All elected officials.

(ii) The Managing Director and the City Solicitor.

(iii) The heads of departments, offices, and agencies immediately under the direction and supervision of the Managing Director.

(iv) One clerk or secretary for each of the full-time elected City officials and the heads of each City department.

(v) The City Clerk.

(vi) The members of authorities, boards, and commissions.

(vii) Temporary, part-time, or seasonal employees.

(b) All other officers and employees shall be members of the career service.

§ 70-104. Equal employment opportunity.

A. The City of Reading is firmly committed to ensuring equal employment opportunity for all persons regardless of race, color, creed, ancestry, age, gender, sexual orientation, political

1. **Editor's Note: See Ch. 5, Administrative Code.**

opinions or religious affiliations, or lawful activity in any employee organization, national origin or disability.

B. The commitment to equal employment opportunity shall prevail in all employment practices including recruiting, interviewing, hiring, promoting, and training. All matters affecting pay, benefits, transfer, furloughs, education, tuition assistance and social and recreational programs shall be administered consistent with these principals, as well as with the Affirmative Action Plan, and with the spirit and intent of state and federal laws governing equal opportunity.

C. Any person believing that he/she is the subject of discrimination and/or harassment may file a written complaint with the Administrative Services Director or his/her designee, who shall immediately investigate the allegation(s) and determine the validity of the complaint and take the appropriate measures, if any, required to resolve the matter.

§ 70-105. Nepotism. [Amended 8-25-1997 by Ord. No. 19-1997]

No public official or public employee shall appoint, hire, advance or advocate the same of a member of his/her direct family to a City position. No public official or public employee's direct family member shall be appointed, hired or advanced to a position under the direct supervision or control of the official or employee. "Direct family" is defined as spouse, parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, sister, sister-in-law, brother, brother-in-law, grandparents and grandchildren or any step-relatives in any of the foregoing categories. Relatives working within the same City department prior to July 1, 1997, shall not be affected by this policy. In the event that a relationship listed is created between employees within the same department, one of said employees within 90 calendar days shall move to a position outside of said department. Failure of such action will result in termination of one of the employees based upon City policy and seniority. This policy shall not restrict the bidding rights as contained in any of the City's collective bargaining agreements.

§ 70-106. Conflict of interest. [Amended 8-25-1997 by Ord. No. 19-1997]

A. No employee shall engage in any business or transactions or shall have a financial or other personal benefitting interest which is compatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her duties.

B. Examples of conflicts are enumerated below for guidance; however, employees are referred to the City of Reading's Code of Ethics for further verification.[2]

C. Accepting or soliciting gifts and favors, use of privileged information for personal or financial gain, any use of official position for personal or financial gain, participation in transactions as a City representative with a business entity in which he/she has a direct or indirect financial or other personal interest and use of City property for personal benefit.

D. Outside employment. City employees may accept, have or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or nonprofit), utility or other organizations, whether public or private, but only if the

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2. Editor's Note: See Ch. 5, Administrative Code, Part 10, Code of Ethics.

employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.

E. Use of City equipment. No personnel, equipment, supplies, facilities, vehicles or any other property of the City may be used by employees or officials for private use. It is improper and may be unlawful for supervisors to use subordinates for personal benefit. The use of the City's communication system including telephone and computer for personal benefit or the transmission, display or reception of inappropriate material is a violation of this policy and subject to disciplinary action.

§ 70-107. Residency. [Amended 6-12-2006 by Ord. No. 47-2006]

Section 705 of the Charter stipulates the residency requirement for department directors. Section 401 of the Charter stipulates residency requirement of the Managing Director.

Editor's Note: § 705 of the Charter provides:

§ 705. Compensation of heads of departments, offices and agencies.

The compensation of all heads of departments, offices and agencies under the direction of the Mayor shall be proposed by the Mayor and approved by ordinance. Compensation of all other employees shall be set in accordance with the uniform pay plan established by City Council in the Personnel Code. All such heads of departments, offices and agencies need not be residents of the City at the time of appointment, but after appointment shall reside in the City. City residency shall be required within 12 months of being appointed.

Editor's Note: § 401 of the Charter provides:

§ 401. Appointment; qualifications; compensation.

(a) Within 90 days of taking office, the Mayor, with the approval of City Council, shall appoint a Managing Director for an indefinite term, subject to at least a biennial review, and fix the Managing Director's compensation. The Managing Director need not be a resident of the City at the time of appointment, but after appointment shall reside in the City. The Managing Director shall establish such City residency within 12 months of being appointed.

(b) Any candidate for Managing Director shall:

(1) Have a master's degree in public administration, business administration, or its equivalent, and have at least three years' experience at an executive or administrative level.

(2) Have a bachelor's degree in public administration, or its equivalent, and have at least five years of experience at an executive or administrative level.

(c) City Council may, by ordinance, establish additional qualifications for the position of Managing Director, prior to advertisement for the hiring of the Managing Director.

(d) In the event that the position of Managing Director cannot be filled by the Mayor, the Mayor may appoint a temporary Managing Director for a period of time not to exceed 90 days. During this period of time, the Mayor shall continue to use all available means to fill the position.

(e) In the event the Mayor has not filled the position of Managing Director within 180 days of taking office, City Council shall, within 90 days thereafter, hire a Managing Director. Any person hired by City Council shall hold the qualifications for said position prescribed by this Charter. The Mayor shall not have the power of veto over any candidate hired by City Council in accordance with the provisions of this Charter.

§ 70-108. Political activity.

Section 706 of the Charter provides:

§ 706. Political activity.

All employees are prohibited from engaging in any form of political activity during regular work hours and are prohibited from using City facilities or property for any political activity. Violation of this section will warrant discharge or other discipline under the provisions of the Personnel Code.

§ 70-109. Hostile work environment. [Amended 9-9-1996 by Ord. No. 27-1996]

A. All employees have the right to work in an environment free from discrimination and any form of harassment based on race, religion, color, sex, age, marital status, national origin or disability.

B. To ensure that no employee feels that they are subject to harassment, the City also prohibits any offensive physical written or spoken conduct regarding any of these subjects. Such conduct may constitute harassment when engaged in by someone in the City in a position to influence employment decisions or other employees. A continued action by an employee or supervisor towards another employee of harassment may result in the creation of a hostile working environment.

C. Ethnic slurs, derogatory remarks about older individuals and sexual innuendos can interfere with an employee's work performance by creating a hostile and offensive working environment. These actions of discriminatory intimidation, ridicule and insult alter the conditions of employment. The examples of such behavior can also include racial slurs, ethnic jokes, English-only rules, lewd photographs and disparaging remarks aimed at a protected group.

D. An important value of this Administration is to treat all employees with respect and dignity on a consistent basis. It is the responsibility of the management/supervisory team to ensure a safe, productive and positive workplace exists. The City will not in any way condone or tolerate conditions of harassment or the creation of a hostile working environment for any employee.

§ 70-110. Charter effect on employees.

See § 1307 of the Charter.

Editor's Note: § 1307 of the Charter provides:

§ 1307. Personnel.

(a) Charter effect on employees. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of individuals who are employees of the City on the effective date of this Charter as to salary, tenure, residency, retirement, or pension benefits; employments; leave with pay; or other personal rights. Nothing in this Charter shall diminish the rights and privileges of any former employees in their pension or retirement benefits.

(b) Exemption from competitive tests. Any employee holding a position with the City at the time this Charter takes effect who is serving in the same or comparable position at the time of its adoption shall not be subject to competitive tests as a condition for continuance in the same position, but in all respects shall be subject to the personnel system provided for in this Charter.

(c) Personnel action. Until approval by City Council of the Personnel Code required by § 703, the Mayor, in consultation with the Managing Director, shall have the power to establish by written directive a personnel system for all employees. All appointments and promotions, except additions to the exempt service, shall be made on the basis of merit and fitness. All personnel actions shall be in accordance with the provisions of a personnel system established by such written directive. Copies of all such directives shall be forwarded by the Mayor to City Council within 24 hours after being issued.

§ 70-111. Drug-free workplace.

The City hereby establishes and reiterates the policies contained in the Drug-Free Workplace Act and the implementation thereof through an employee assistance provider in order to inform employees about the danger of drug abuse in the workplace and the City policy of maintaining a drug-free workplace.

§ 70-112. Smoking policy.[3]

In compliance with the Clean Indoor Air Act, 35 P.S. § 637.1 et seq., the City has established that all buildings are to be smoke free. Certain areas outside buildings may be designated as smoking and non-smoking areas for City employees. Such areas will be posted accordingly. All employees are required to comply with the requirements of the posted designation.

§ 70-113. Training programs.

A. The Administrative Services Director or his/her designee shall develop in consultation with other department directors a comprehensive internal training program that represents the City's training needs. The Administrative Services Department designee shall administer the internal training program.

B. The Administrative Services Department shall make a list of internal training opportunities available to all employees, including but not being limited to, supervisors, department directors and any other employees designed by the Mayor or the Managing Director. Department heads who want training for their employees should request such training from the Administrative Services Department, identify employees, schedule training time and provide written authorization for employees for such training. Supervisors should consult with their department directors who have the responsibility of notifying the Administrative Services Department. Employees should consult with their supervisors.

§ 70-114. Physical examination/drug testing.

A. All applicants who have been made an offer of employment by the City are required to submit to and pass a physical examination, including drug testing, by the City Health Officer. The purpose of this examination is to determine if the prospective employee is physically able to perform the job for which he or she is being considered and to ensure that the applicant's physical condition will not endanger the health, safety or well-being of existing employees.

B. Additionally, the medical examination will establish that the person is capable of performing the essential job functions with reasonable accommodation if necessary. This

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3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

medical examination and drug testing will be given prior to the commencement of employment. Failure to submit or complete this medical examination and drug testing will be viewed as rejection of the offer of employment.

PART 2
Categories of Employment

§ 70-201. Classification categories. [Amended 10-26-2009 by Ord. No. 59-2009]

For the purpose of this code, City employees shall be classified according to the following categories.

A. Full-time employees. Those employees filling positions authorized in the annual Position Ordinance, defined in § 5-212, who work a minimum of 35 hours weekly.

B. Part-time employees. Those employees filling positions authorized in the annual Position Ordinance, defined in § 5-212, who work a maximum of 28 hours weekly.

C. Temporary employees. Those employees filling positions authorized in the annual Position Ordinance, defined in § 5-212, who are hired to work for a specified period of time, including but not limited to interns who receive financial compensation. **[Amended 3-12-2012 by Ord. No. 24-2012]**

D. Seasonal employees. Those employees filling positions authorized in the annual Position Ordinance, defined in § 5-212, who are hired to work for a specified season.

PART 3
Appointment and Evaluations

§ 70-301. Notification of vacancy.

When there is determined to be a vacancy in any City position, the following shall apply:

A. The department director will identify the position to be filled, and obtain the required budget clearances to hire.

B. The Administrative Services Director or his/her designee, in consultation with the department director, will be responsible for the job description, date of anticipated hire, minimum qualifications and salary range.

C. The affected department director and the Administrative Services Department or his/her designee shall discuss recruiting, screening and interviewing schedule.

§ 70-302. Recruitment.

A. The Administrative Services Director or his/her designee, in consultation with the department director, shall prepare a position description and recruitment plan that includes internal and external advertisement plus alternative strategies should the advertisements fail to produce a viable candidate. Such position descriptions should include:

(1) Position title and description (including duties and responsibilities).

(2) Minimum qualifications.

(3) Department location.

(4) City residency.

(5) Equal Opportunity/Affirmative Action Employer.

(6) Application deadline and where applications are directed.

B. All positions will be posted internally at all work sites for one week prior to an external advertisement. The selection can be made at this time.

C. External position advertisements shall be through the local newspapers and any other acceptable and appropriate methods of advertising position openings such as the notification of minority and women's organizations, regional and national advertising professional journals, in order to attract qualified diverse candidates.

D. Should Subsections B and C above fail to produce a viable candidate, the Administrative Services Department or his/her designee, in consultation with the department director, shall activate alternative recruitment methods.

§ 70-303. Application for employment.

A. All candidates shall complete and submit an application and/or other designated material to be considered for employment.

B. All general applications for employment shall require the candidate to provide information about education, related experience, training, prior employment and references.

C. Applicant may be required to take a standardized test for a position.

D. All applications for employment, whether as a result of a search or as a result of a general application, shall be directed to the Administrative Services Director or his/her designee.

E. The Administrative Services Department shall make general applications available for employment.

F. The Administrative Services Department shall maintain an active file of candidates for employment.

§ 70-304. Screening.

A. Initial screening will be completed by the Administrative Services Director or his/her designee to verify that the candidate meets the minimum requirements.

B. The Administrative Services Director or his/her designee will check references and complete a background verification check. This background verification check will vary depending on the job description.

C. The Administrative Services Director or his/her designee will use accepted methods in personnel management and follow federal and state regulations to check and verify the candidates application including a criminal check.

D. The Administrative Services Director or his/her designee will provide the department director with verification information.

E. The Administrative Services Director or his/her designee, in consultation with the department director, will select the most qualified candidates for an interview.

F. All candidates not selected for an interview will be notified within seven business days of that decision by the Administrative Services Director.

§ 70-305. Selection.

A. The Administrative Services Director or his/her designee and department director will establish an interview schedule mutually convenient to the candidate, Administrative Services Director and the department director.

B. The Administrative Services Director and department director and/or their designees will interview candidates and make the selection. Selection will be based on qualifications, test results (if applicable), state and federal regulations and the Affirmative Action Plan.

C. The Administrative Services Director or his/her designee will negotiate terms and conditions of employment.

D. The Administrative Services Director or his/her designee will make the position offer to the successful candidate.

E. All other candidates will be notified within seven business days after the position has been filled.

F. Should the interviews produce no viable candidate, the Administrative Services Director or his/her designee and the department director should develop a new recruitment plan.

§ 70-306. Orientation.

A. It shall be the responsibility of the Administrative Services Director or his/her designee to provide written and oral information to the new employee about benefits, policies and departmental procedures.

B. It shall be the responsibility of the department director or his/her designee to provide the new employee information about department operating procedures, duties and training.

C. Specific training for new employees shall be arranged by the Administrative Services Director or his/her designee and the department director.

§ 70-307. Probation.

A. All new employees shall be placed on probation for 180 days. An employee on probation may be dismissed at the discretion of the department director or his/her designee. No employee on probation shall receive a salary/wage increase, promotion, or be eligible to use sick leave, a personal holiday or annual leave, although annual and sick leave is accumulated during the probational period.

B. All new employees on probation shall have a performance evaluation at the end of a ninety-day period and at the end of a one-hundred-fifty-day period and prior to 180 days, such performance evaluation to be conducted by the immediate supervisor and the department director.

C. An unsatisfactory evaluation may be a basis for termination of an employee on probation. This is not to be construed that a probationary employee may not be dismissed prior to the first ninety-day evaluation or any time during the probationary period as set forth herein. This evaluation becomes a part of the employee's personnel record.

§ 70-308. Performance evaluation.

All employees shall have an annual written performance evaluation conducted by the immediate supervisor and the department director. Said evaluation shall be reviewed with the Administrative Services Department prior to discussing the evaluation with the employee. The following procedure shall be used for performance evaluations:

A. Evaluations shall be completed on forms provided by the Administrative Services Department.

B. Evaluations shall be performed by the employee's immediate supervisor.

C. Evaluations shall be based on an employee's job description.

D. Evaluation criteria shall be based on:

(1) Performance effectiveness.

(2) Goals of the Department.

E. The employee shall prepare a written self-assessment of his/her performance.

F. The Supervisor and employee shall agree on others to be consulted for evaluation.

G. The Supervisor and employee shall meet during working hours to conduct evaluation.

H. The employee shall sign the evaluation verifying that he/she has reviewed the evaluation and had an opportunity to respond.

I. The evaluation shall be signed by the department director and the Administrative Services Director or his/her designee.

§ 70-309. Personnel records.

A. A personnel file will be established for every employee and maintained in the custody of the Administrative Services Department. No information will be placed in the file without the employee's knowledge.

B. The following information will be a permanent part of the file and will be maintained following termination until the year following the year of the employee's 75th birthday:

(1) Employee's most recent employment application.

(2) Employee notifications regarding hiring, promotion, demotion, suspension, dismissal or other substantial change in employment or pay status other than general increases.

(3) Authorizations for deductions from pay such as but not limited to insurance, retirement, taxes, union dues or other voluntary contributions. These are permanent so long as they are not canceled or superseded with a more recent authorization.

(4) Letters of commendation or other awards or recognitions.

(5) For employees hired after November 7, 1986, verification of the employee's citizenship or right to work in the United States (Immigration and Naturalization Service Form I-9).

(6) Most recent job description, performance standards and objectives.

(7) Routine and emergency information as required such as phone numbers, home address, persons to contact, physical or medical limitations related to the job.

(8) Job-related training, qualification or license records.

(9) Any other information with significant bearing on the employee's work behavior, qualifications or fitness for employment.

(10) In addition, any information the employee considers to be important to their employment which is not offensive, prejudicial or discriminatory may be placed in the file at the employee's request.

(11) Record of exit interview.

(12) Records of preemployment reference checks.

C. The following information will be a permanent part of the file; however, it will not be referred to after two years old so long as no discipline for similar offenses has occurred since their issuance.

(1) Letters of warning or reprimand, or confirmations or oral reprimands. The person issuing such a letter may direct that it be removed earlier if in the issuing person's opinion, the letter has served its purpose and is no longer required.

D. The following information will be temporary and will be removed from the file and destroyed as indicated:

(1) Performance evaluation reports when five years old.

(2) Records of any arrests, charges, investigation of wrongdoing, or similar actions involving the employee which later resulted in the employee's acquittal or in the charges being dropped.

E. The following information will not be kept in the employee's personnel file:

(1) Racial, ethic, religious or political identifications or affiliation.

(2) Any listing or records of grievances filed by the employee.

F. The personnel file will be in the custody of the Administrative Services Department, and except for public information, will be available only to any of the following persons, under supervision, in the Administrative Services Department:

(1) Office and legal personnel as officially required.

(2) The individual employee, at a reasonable time, and when accompanied by the employees written authorization, his/her legal representative or bargaining unit representative.

(3) Legal authorities only when required by subpoena in which case the employee will be notified of the information provided.

G. Public information will include the employee's name, job title, salary, and fringe benefits provided.

H. Regular examination of the personnel file to purge temporary documents shall be done annually.

PART 4
Benefits

§ 70-401. Insurance, pension, workers' compensation and other benefits.

A. Employees shall be entitled to the leave and holiday benefits and to life insurance, health insurance, pension and workers' compensation, as per current collective bargaining agreements and applicable law. There are three individual pension boards: the Officers and Employees Retirement System, the Police Pension Fund and the Firemen's Pension Fund, who administer the funds and determine benefits. The Administrative Services Department shall make accessible a pension plan summary to all employees detailing these benefits.

B. Part-time employees, temporary employees and seasonal employees shall only be entitled to workers' compensation.

§ 70-402. Injury on duty.

A. The City of Reading has a comprehensive safety and training program independent of this code. In the event any employee suffers an accident on duty, he/she shall immediately notify his/her supervisor, who shall in turn file a full report with the Administrative Services Department within 48 hours of the accident.

B. An employee who sustains a work-related injury, as a result of which he/she is disabled, shall be paid the difference between the money to which he/she may be entitled under workers' compensation, social security or other applicable disability benefits and his/her full salary, which difference shall be charged to his/her sick leave, and shall be paid only to the extent of his/her accrued sick leave.

PART 5
Leave, Vacations and Holidays

§ 70-501. Family medical leave.

A. Under the Family and Medical Leave Act, an eligible employee may request up to a total of 12 work weeks of unpaid leave during any twelve-month period at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member (as defined by the Act).

B. An eligible employee (as defined by the Act) is one who has been employed by the City for at least 12 months and for at least 1,250 hours of service with the City during the previous 12 months prior to the leave requested.

C. Employees are entitled to unpaid leave of absence in compliance with the Family and Medical Leave Act as outlined in the employee handbook. The following provisions shall apply to full-time employees only:

(1) At the discretion of the HR Manager and Managing Director, emergency leave may be granted to an employee who has an extraordinary personal emergency that is not covered by any of the forms of leave detailed herein.[4]

§ 70-502. Holidays. [Amended 5-29-2001 by Ord. No. 14-2001]

A. The following days shall be recognized by the City as paid holidays:[5]

New Year's Day	Labor Day
Martin Luther King Day	Veterans Day
Presidents' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

B. Monday shall be recognized as the holiday for all holidays that occur on Sunday, and Friday for all holidays that occur on Saturday.

C. If an employee is called upon to and does work on any of the holidays set forth in this section, he/she shall be paid as provided in § 70-705, Overtime.

D. Any employee who is absent without paid leave or reasonable excuse, either the workday before or after a holiday, will forfeit the holiday pay.

E. Each employee shall be granted two personal days in addition to the above mentioned holidays which shall be taken with the approval of the department director.[6]

F. Personal days must be used in the year in which they are earned.[7]

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4. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
5. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
6. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
7. **Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).**

G. Upon separation from the City of Reading, unused personal days are forfeited. Personal days will not be paid out.[8]

§ 70-503. Annual vacation leave.

A. Full-time employees shall accrue vacation leave according to the following schedule:

(1) If hired by June 1 of any calendar year, employees will be entitled to five work days for the first year of service.[9]

(2) For the second year to the eighth year of service, two weeks or 10 workdays.

(3) After eight years of service, three weeks or 15 workdays.

(4) After 14 years of service, four weeks or 20 workdays.

(5) After 20 years of service, five weeks or 25 workdays.

B. "Years of service" shall be defined to mean the anniversary year in which the individual shall have completed the specified number of continuous years of service.

C. Full-time employees are entitled to carry over a maximum of two weeks of vacation time into the next calendar year.[10]

D. Upon separation from the City of Reading, any accrued unused vacation time will be paid out on a prorated basis.[11]

§ 70-504. Sick leave. [Amended 6-25-2001 by Ord. No. 21-2001]

A. Full-time employees shall be allowed 12 sick leave days per year, which shall be accumulated at the rate of one day per working month. However, no sick leave shall be accumulated unless an employee works at least half the days during the pay period when an employee is on sick leave.[12]

B. Employees shall accrue unused sick leave from year to year with a maximum accumulation of 45 days. However, employees who have previously accumulated an amount of sick leave in excess of 45 days shall retain their current accumulated total. Any employee who has accumulated sick leave in excess of the forty-five-day maximum shall be red-lined at his/her level of accumulation. No employee who has accumulated an excess of 45 days of sick leave shall be allowed to accumulate any other sick leave until and unless such person goes below the forty-five day maximum. Said person shall only be able to accumulate sick leave once they have initially gone below the forty-five-day limit.

C. At the end of each calendar year, an employee shall become entitled to compensatory time off or pay at his regular daily rate of base pay in an amount equal to one day for each calendar quarter in which the employee used none of his allowable sick leave during the

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8. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

9. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

10. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

11. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

12. Editor's Note: Original Subsection B, regarding accumulation of sick days, which immediately followed this subsection, was repealed during codification (see Ch. 1, General Provisions, Part 2).

year just ended. The employee shall have the option to choose either time off with pay or just pay.

D. Upon separation from the City of Reading, all sick leave is forfeited. Remaining balances cannot be transferred to another employee.[13]

(1) An employee with five years' seniority who has accumulated a minimum of 30 sick leave days or more who then experiences an illness of 16 working days or more will be eligible to accrue sick leave at the rate of 2 1/2 days per month for the total number of months it would take them to reach a thirty-day accumulation. The total number of months during which the employee may accumulate at the rate of 2 1/2 days per month rate shall be as set forth in the schedule below. During the number of months that the employee would be entitled to accumulate at the two-and-one-half-day rate, any absences shall be subtracted from the days being accumulated. At the end of the period of months during which the employee is entitled to accumulate at the rate of 2 1/2 days per month, the employee would then revert back to the one day a month.

Schedule

Balance of Sick Days Remaining	Number of Months Eligible to Accumulate 2 1/2 Days Per Month
29	1
28	1
27	1
26	2
25	2
24	2
23	3
22	3
21	4
20	4
19	4
18	5
17	5
16	5
15	6
14	6
13	7
12	7
11	8
10	8
9	8

13. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Schedule

Balance of Sick Days Remaining	Number of Months Eligible to Accumulate 2 1/2 Days Per Month
8	9
7	9
6	10
5	10
4	10
3	11
2	11
1	12
0	12

§ 70-505. Bereavement leave.[14]

Full-time employees shall receive leave with pay in the event of a death in the family as follows:

A. In the case of spouse, parents, children, brother, sister, grandparents, grandchild or stepchild, for a maximum of four days.

B. In the case of the death of father-in-law, mother-in-law, brother-in-law, sister-in-law, aunt or uncle for the day of the funeral.

§ 70-506. Leave of absence.

The City will permit employees an unpaid leave of absence in cases where required by disability and other circumstances and in accordance with the Family and Medical Leave Act, as stipulated in the employee handbook.

§ 70-507. Personal leave.[15]

A. Full-time employees that have been employed with the City for at least six months of service and are not eligible for FMLA shall be entitled to take personal leave up to a maximum of six months and shall have the right to return to the same or an equivalent position. When possible, the request for personal leave should be submitted to the Administrative Services Department and certification from a attending physician must be provided to support and substantiate the need for the requested leave.

B. Personal leave shall be granted if related to a serious health condition as defined under FMLA (illness, injury, impairment, or physical or mental condition that involves one of the following):

(1) Hospital care. Inpatient care.

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14. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

15. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(2) Absence plus treatment. A period of incapacity for more than three consecutive calendar days.

(3) Pregnancy or childbirth. Any period of incapacity due to pregnancy, or for prenatal care

(4) Chronic serious health condition. Any period of incapacity or treatment for such incapacity due to a serious health condition.

(5) Permanent/long-term conditions requiring supervision. A period of incapacity that is permanent or long-term due to a contention for which treatment may not be effective.

(6) Multiple treatments. Any period of absence to receive multiple treatments (including any period of recovery therefrom).

C. Accrued pension and seniority rights as outlined in the employee handbook, shall remain in place.

D. While personal leave is an unpaid leave (as is FMLA), an employee is entitled to use accrued sick leave as well as accrued vacation leave for the period that he/she is unable to work as certified by a physician. Upon the exhaustion of all accrued paid leave, the balance of the personal leave period will be considered as leave without pay.

E. Said provisions shall be consistent with the Pennsylvania Human Relations Act of 1969, P.L. 133. No. 56, 43 P.S. § 951 et seq., and the Family and Medical Leave Act of 1963.

§ 70-508. Leave of absence for military reserve duty. [Amended 6-25-2001 by Ord. No. 21-2001]

A. All City employees who are members, either enlisted or commissions of any reserve component of any of the Armed Forces of the United States or of the National Guard of the Commonwealth of Pennsylvania, shall be entitled to leave of absence from their regular duties for a maximum of 15 days per year during which time they shall, as members of such reserve, be engaged in active service or field training ordered or authorized by federal or state forces.[16]

B. Employee shall present his/her military orders to their immediate supervisor immediately upon receipt. A copy of said orders shall be forwarded to the Administrative Services Department for the employee file.

§ 70-509. Court appearance and jury duty.

A. Any employee who is called for jury duty or subpoenaed to appear as a witness in any case other than one in which he/she is a party shall be entitled to the difference between his/her regular compensation and the sum that he/she shall receive for such duty.

B. This policy shall apply only to full-time employees and not to any part-time, temporary or seasonal employees. Any employee making a court appearance, other than as a subpoenaed witness, shall arrange some other type of leave (e.g., annual leave, leave without pay) for the duration of his/her absence.

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16. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

C. In cases in which an employee needs to be excused from jury duty due to their employment with the City of Reading, the department director shall refer the request and/or need for excuse to the Director of the Administrative Services Department or his/her designee for correspondence with the court.[17]

17. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

PART 6
Promotions

§ 70-601. Promotion procedure. [Amended 6-25-2001 by Ord. No. 20-2001[18]]

A. The City of Reading is committed to selecting the best available applicant for the position in compliance with our Affirmative Action and Equal Employment Opportunity Programs.

B. All full-time exempt (nonunion) positions shall be filled as follows:

(1) A notice of vacancy form shall be posted for a period of seven calendar days at all work sites. This posting shall include:

(a) Department.

(b) Classification.

(c) Salary.

(d) Availability.

(e) Description of responsibilities and requirements.

(f) Statement of applicant procedure and deadline date.

(2) Applications will be reviewed and the most qualified applicant(s) will be interviewed by the Administrative Services Director or his/her designee and an appropriate department representative. Not all candidates will be interviewed.

(3) An offer may be made to the most qualified applicant and, if accepted, such transfer will be effective on a mutually agreeable date with the affected department director(s).

(4) When required by federal mandates, or should this process fail to produce a viable candidate, the Administrative Services Department shall activate recruitment methods in accordance with § 70-302 of this chapter.

(5) The Administrative Services Director shall notify all applicants in writing regarding their applicant status.

18. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

PART 7
Rules and Regulations

§ 70-701. Salary administration. [Amended 5-28-2002 by Ord. No. 20-2002; 6-24-2002 by Ord. No. 21-2002; 9-10-2002 by Ord. No. 46-2002; 9-23-2002 by Ord. No. 49-2002; 1-13-2003 by Ord. No. 3-2003; 2-10-2003 by Ord. No. 4-2003; 6-17-2003 by Ord. No. 23-2003; 4-26-2004 by Ord. No. 17-2004; 7-26-2004 by Ord. No. 36-2004; 6-13-2005 by Ord. No. 39-2005; 8-22-2005 by Ord. No. 52-2005; 9-26-2005 by Ord. No. 59-2005; 1-23-2006 by Ord. No. 7-2006; 2-6-2006, by Ord. No. 9-2006; 8-14-2006 by Ord. No. 55-2006; 8-28-2006 by Ord. No. 59-2006; 12-11-2006 by Ord. No. 90-2006; 5-26-2007 by Ord. No. 20-2007; 7-9-2007 by Ord. No. 56-2007; 10-27-2008 by Ord. No. 69-2008; 4-27-2009 by Ord. No. 24-2009; 10-26-2009 by Ord. No. 59-2009]

A. Only employees filling positions, as defined in § 70-201, and authorized in the annual Position Ordinance, as defined in § 5-212, shall be paid wages and earn benefits, including, but not limited to, sick time, vacation time, participation in the pension program, etc. Employees shall be paid for each semimonthly pay period on the 15th and last of each month. If the 15th or last of the month falls on Saturday or Sunday, employees shall be paid on the preceding working day. For payroll purposes, a work week begins on a Saturday and ends on a Friday, regardless of whether an individual employee is assigned weekend work.

B. Payment for overtime shall be made on the first pay period following the pay period in which overtime is worked.

C. Any and all exceptions for leave without pay, disciplinary action, etc., shall be deducted within the pay period or on the first pay period following the pay period in which the charges are incurred.

D. Overtime or duplicate pay of any kind shall not be pyramided.

E. Employees attending conferences/seminars shall be reimbursed as per the Fair Labor Standards Act and appropriate City ordinances.

F. Compensation of any City employee suspended from work for alleged improper conduct or behavior shall be frozen. Upon resolution of the pending allegations in the City employee's favor and his/her return to work, the employee shall be paid retroactive to the date of suspension through payroll during the next coming pay cycle. **[Amended 8-26-2013 by Ord. No. 35-2013]**

G. Salary increases.

(1) Annual employee salary increases which are not governed by union labor contracts or mandated by other state statutes shall be limited to 3% without City Council approval. The amount of the annual salary increase shall be determined by a recommendation made by the employee's direct supervisor and/or department director in conjunction with consultation from the Administrative Services Department. If the Administrative Services Department and the employee's department director believe that an employee is entitled to an annual salary increase in excess of 3%, they shall obtain approval from both the Mayor and Managing Director followed by a scheduled executive session with City Council to discuss the reasons for providing a salary increase in excess of 3% of the employee's annual salary. If City Council agrees to increase an employee's salary after meeting with the department director and/or

a representative of the Administrative Services Department, City Council shall pass a resolution authorizing an annual salary increase in excess of 3% for the named employee. **[Amended 6-22-2015 by Ord. No. 34-2015]**

(2) Annual salary increases for City of Reading department directors are not covered by this section and are governed by § 705 of the City of Reading Home Rule Charter and Ord. No. 22-2002, passed on June 24, 2002 (see Ch. A613 of the City Code).

(3) The provisions of Subsection G(1) of this section shall apply to all employee salary increases effective January 1, 2003, and thereafter. Any salary increases granted in 2003 in excess of 3% are hereby reduced to 3% and any monies paid to an employee (as salary) in excess of 3% of their year 2002 salary shall be returned to the City of Reading from the proceeds of said employee's pay for the pay period immediately following the effective date of this provision.[19]

H. Salary ranges.

(1) Managing Director. The Managing Director of the City of Reading shall be compensated at an annual salary of no less than $90,000 and no more than $120,000.

(2) Chief of Fire and Rescue Services. The Chief of the Department of Fire and Rescue Services for the City of Reading shall be compensated at an annual salary of no less than $60,000 and no more than $85,000. **[Amended 2-28-2011 by Ord. No. 12-2011]**

(3) Chief of Police. The Chief of Police for the City of Reading shall be compensated at an annual salary of no less than $80,000 and no more than $125,000. **[Amended 2-28-2011 by Ord. No. 12-2011; 3-9-2015 by Ord. No. 11-2015]**

(4) Public Works Director. The Director of the Department of Public Works of the City of Reading shall be compensated at an annual salary of no less than $80,000 and no more than $100,000. **[Amended 8-11-2014 by Ord. No. 61-2014]**

(5) Director of Administrative Services. The Director of Administrative Services of the City of Reading shall be compensated at an annual salary of no less than $75,000 and no more than $100,000. **[Added 2-28-2011 by Ord. No. 12-2011[20]]**

(6) City Solicitor. The Director of the Legal Department for the City of Reading shall be compensated at an annual salary of no less than $60,000 and no more than $75,000.

(7) Community Development Director. The Director of the Department of Community and Economic Development for the City of Reading shall be compensated at a salary of no less than $75,000 and no more than $100,000.

I. The Managing Director will review the salary ranges every three years and shall present recommendations for range adjustments, based on industry standards, to City Council and the Mayor. The ranges are based on the responsibilities for each of the seven areas. These stated ranges will be used as a guideline for setting starting salaries and for requesting

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19. Editor's Note: Original Subsection G, regarding compensation for suspended employees, which immediately followed this subsection, was repealed 8-26-2013 by Ord. No. 35-2013.

20. Editor's Note: This ordinance also repealed original § 1-271, Subsection 8E, Finance Director, and Subsection 8F, Administrative Services Director, previously included in this section.

annual merit increases, to be based on a performance evaluation to occur on the anniversary date of the employee. **[Amended 8-26-2013 by Ord. No. 35-2013]**

J. City Council will review the salary ranges for all positions falling under the legislative branch every three years. Recommendations for range adjustments will be based on industry standards and approved by City Council. The ranges are based on the responsibilities for the position descriptions. The stated ranges will be used as a guideline for setting starting salaries and for requesting annual merit increases, to be based on a performance evaluation to occur within 45 days of the employee's anniversary date.

§ 70-702. Payroll administration. [Amended 10-26-2009 by Ord. No. 59-2009]

Every department director shall be responsible for implementing payroll procedures as stipulated in the employee handbook. Only employees filling positions defined in § 70-201 and authorized in the annual Position Ordinance, as defined in § 5-212, shall be paid wages and earn benefits including, but not limited to, sick time, vacation time, participation in the pension program, etc.

§ 70-703. Payroll time sheet. [Amended 8-26-2013 by Ord. No. 35-2013; 10-27-2014 by Ord. No. 79-2014]

A. A payroll time sheet shall be completed for every employee for every pay period by the Supervisor or his/her designee.

B. The time sheet is to be submitted by the Supervisor or his/her designee.

C. All time sheets are submitted to the Payroll Division after they are verified for accuracy.

D. The Administrative Services Department will provide fiscal analysis for cost centers.

§ 70-704. Payroll deductions.

A. The following deductions shall be made from each employee's paycheck:

(1) Federal, state and local income tax.

(2) Public unemployment compensation law tax.

(3) Reading occupation tax, collected once yearly.

(4) Social security (FICA) tax.

(5) Officers and Employees Retirement Fund.

(6) Such other taxes as shall be mandated from time to time by federal, state and/or local laws, rules or regulations.

B. AFSCME bargaining unit employees shall have their union dues on Fair Share deduction made from their paycheck.

C. Other deductions can be made from each employee's paycheck as stipulated in the handbook.

§ 70-705. Overtime. [Amended 8-26-2013 by Ord. No. 35-2013]

No employee shall work overtime except at the request of or with the express permission of the department director or his/her designee.

§ 70-706. Time and attendance of employees.

A. All full-time employees shall be granted an unpaid lunch period during their work day. **[Amended 8-26-2013 by Ord. No. 35-2013]**

B. All full-time employees shall be entitled to a rest period during each 1/2 work shift. **[Amended 8-26-2013 by Ord. No. 35-2013]**

C. Tardiness, unauthorized absences and lunch breaks in excess of one hour shall be considered leave without pay and may be further subject to the disciplinary procedures.

§ 70-707. Lunch and break periods.

Each employee shall have a scheduled lunch break. Employees are not permitted to eat their lunch at their work station unless specifically authorized.

§ 70-708. Temporary reassignment. [Amended 11-27-2000 by Ord. No. 24-2000]

A. In the event of a vacancy, absence or disability of a department director, the managing director or some other officer or employee shall be assigned to perform in an acting or temporary capacity. The duties of any office or position in the administrative service under the supervision of the managing director, as stated in § 5-401F of the City Code. This temporary or acting reassignment is for management positions only. A person reassigned to a temporary or acting management position may request a temporary salary adjustment from the Managing Director, who shall have the responsibility for making that decision as stated in this section.

B. No appointed person shall serve in an acting or temporary capacity unless already employed by the City of Reading prior to such appointment or approved by City Council resolution. Council shall, within 30 days, approve or deny all temporary or acting department director and/or management appointments. If Council fails to act within this thirty-day period, the appointment shall be deemed approved.

C. Acting or temporary department directors appointed may serve no more than 180 days. Council may agree to extend said term for an additional ninety-day period upon request and upon satisfactory proof that a diligent effort to recruit and hire a department director.

D. An acting or temporary department director who has been appointed to serve as a department director but who fails to be confirmed by a vote of Council shall continue to serve as the acting or temporary director for no longer than a period of 30 days from the date of the negative vote by Council, unless Council agrees to extend for ninety-day period(s) as set forth in the preceding subsections.

§ 70-709. Compensatory time; discretionary time. [Amended 9-9-1996 by Ord. No. 27-1996]

A. All full-time nonexempt employees, except elected officials, shall receive compensatory time as per the provisions of the Fair Labor Standards Act or as per union contract. Compensatory time must be approved prior to being earned or used except in emergency situations.

B. Exempt employees (not covered by the Fair Labor Standards Act or any union contract provision) will be eligible for discretionary time. Discretionary time will not be on an hour-for-hour basis or reimbursed at time and 1/2 under any condition. Discretionary time off will be allowed only with the approval of the Mayor or Managing Director. Under no circumstances will there be any accrued hours that will be compensated for in any way.

§ 70-710. Dress and grooming.

A. Employees shall report to work in attire in such a manner as is compatible with their duties and acceptable healthy grooming and cleanliness standards.

B. Dress and grooming shall be dictated by provisions requiring the wearing of safety clothing or equipment necessary to be worn in order to protect the employee's health and safety.

§ 70-711. Conduct and safety regulations.

Employees are required to report to work as stipulated in the employee handbook.

§ 70-712. Disciplinary action.

A. The City reserves the right to discipline for just cause.

B. Supervisors shall notify the department director who in turn shall notify the Administrative Services Department of all infractions of these policies.

C. The Administrative Services Department shall investigate the allegations and determine appropriate action to be taken.

D. Disciplinary offenses/procedures are contained in the employee handbook.

§ 70-713. Grievance procedures.

A. Bargaining unit members. These procedures are contained in the applicable collective bargaining agreement and in the employee handbook.

B. Nonbargaining unit members. These procedures are contained in the employee handbook.

§ 70-714. Separation.

A. An employee may be separated or dismissed whenever his/her performance, as a result of an unfavorable performance evaluation, or conduct fall below the required job standards for City employees. The dismissal of a union employee shall be in accordance with the appropriate provisions of the City union agreement. See § 70-712, Disciplinary action, and § 70-308, Performance evaluation.

B. The executive branch shall have the right to lay off employees as may be deemed necessary by the executive branch in accordance with the applicable collective bargaining agreements.[21]

C. Employees tendering a resignation shall be required to provide written notice of resignation at least 10 working days prior to the intended date of employment termination.

D. Death separation shall become effective as of the day following death. All compensation due the employee shall be paid to the estate of the employee, unless otherwise provided by law. There shall be no proration of vacation leave and in no event shall unused sick leave, compensatory time or other paid leave be considered.

E. Retirement of an eligible employee shall be subject to the same policies and procedures as outlined for resignation. However, should an employee wish to retire because of a sudden or extreme change in health, the notice requirement may be waived by the Managing Director. Upon retirement, an employee shall receive all unused vacation for the appropriate years of service with no prorating.

F. Upon resignation, one copy of the employee's notice of resignation shall be sent to the department head and one copy shall be sent directly to the Administrative Services Department.

G. All unused eligible vacation time shall be considered for prorated compensation. In no event shall unused sick leave be considered. Full-time employees shall be compensated for accumulated compensatory time to the extent of the lessor of:

(1) The hours accrued; or

(2) 240 hours.

H. An exit interview may be conducted, and, if requested by an employee, shall be conducted. Said interview may be used as a management tool to gain insight into the effectiveness of the City personnel and managerial practices and to determine when and if such practices need improvement. The Administrative Services Director or his/her designee, when conducting such an interview, shall place a brief record of the interview in the permanent record of the employee.

I. At his/her discretion, the Administrative Services Director or his/her designee may call an exit interview with an employee prior to separation.

J. Upon separation, all City property shall be returned.

§ 70-715. Disability removal.

A. An employee who cannot perform his/her job duties because of disability, non-work-connected injury or illness shall be removed upon expiration of all such sick leave, vacation and unpaid leave of absence.

B. The removal shall state that it is removal for disability and that if within a two-year period from removal, the employee is fit to return to his/her job duties, he/she will be given preference in hiring when a vacancy occurs.

C. The fact that he/she is physically fit shall be certified by physician statement.

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21. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

D. When the employee is rehired, there shall be no loss of seniority other than the period between removal and rehiring.

§ 70-716. Providing employees legal counsel.

When a legal action is brought against an employee, the Mayor, Managing Director, City Solicitor and Administrative Services Director shall determine whether or not the City shall be required to provide legal counsel to the employee.

§ 70-717. Employee responses to information requests.

Any requests for information with respect to an employee shall be made to the Managing Director for review with the City Solicitor to determine if response is appropriate.

§ 70-718. Management incentive program.

Administration has the right to establish a management incentive program, which shall include sick leave upon retirement.

PART 8
Appeals

§ 70-801. Appeal procedure.

Any employee who has filed a complaint and has either received a denial of the complaint and/or no action with respect to the complaint within 20 days after the filing of such written complaint with the Administrative Services Department shall have the right to appeal such denial and/or nonaction as follows:

A. The employee shall file with the Administrative Services Department an appeal stating that the appeal was denied and/or no action was taken, the appeal shall provide the date upon which the original complaint was filed and the date the action or nonaction was taken by the Administrative Services Department.

B. The appeal shall contain the basis upon which the employee feels his or her complaint is justified, including any exhibits and/or other evidence which the employee deems relevant to sustaining the allegations contained in his or her complaint.

C. The Administrative Services Director, together with the employee's department head, shall promptly upon receipt review the appeal and within a reasonable time after the filing of such appeal, but no longer than 10 days thereafter, set a date for hearing the appeal of the employee before the Administrative Services Director and the department head, which date shall be not more than 30 days after the date of filing the appeal. The Administrative Services Director and department head shall, following the hearing held with the employee, render a decision within 10 days of such hearing date and provide employee with written notice of their decision with respect to the appeal. In the event the employee is not satisfied with the decision of the Administrative Services Director and the department head, the employee shall have the further right to within 10 days of the receipt of the denial of such employee's appeal, appeal to the Managing Director in writing. The Managing Director shall meet with the employee within 20 days of the filing of such written appeal and at a date set by the Managing Director. Following the meeting with the employee with the Managing Director, the Managing Director shall render his decision within 10 days of such hearing and the decision of the Managing Director shall be final with respect to the employee's complaint.

D. An employee who has filed a complaint shall have no right to have legal counsel present at the initial appeal meeting before the department head and the Administrative Services Director. The employee shall have the right to have legal counsel or another representative present at the appeal before the Managing Director if the Managing Director, upon request, so permits.

Chapter 77

POLICE DEPARTMENT

PART 1
Promotions

§ 77-101. Promotions according to eligibility.
§ 77-102. Sergeant.
§ 77-103. Lieutenant.
§ 77-104. Captain.
§ 77-105. Inspector.
§ 77-106. Service time.
§ 77-107. Probationary period.
§ 77-108. Score determination.
§ 77-109. Eligibility lists.
§ 77-110. College credits.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire and rescue services — See Ch. 36.

Law enforcement — See Ch. 325.

STATE LAW REFERENCES

Police Department — See 53 P.S. § 37001 et seq.

Power to provide for lockups and police stations — See 53 P.S. § 37403(4).

Power to establish and maintain police force — See 53 P.S. § 37403(21).

PART 1

Promotions

[Adopted 11-24-1982 by Ord. No. 49-1982 (Ch. 1, Part 8, of the 2001 Code of Ordinances)]

§ 77-101. Promotions according to eligibility. [Amended 5-29-2001 by Ord. No. 14-2001]

The Mayor of the City of Reading shall promote members of the Police Department to the positions of sergeant, lieutenant, captain and inspector only from among the three highest on eligibility lists for each such position certified by the Civil Service Board who meet the following qualifications with respect to each position.

§ 77-102. Sergeant. [Amended 5-23-1990 by Ord. No. 52-1990; 5-29-2001 by Ord. No. 14-2001; 2-8-2010 by Ord. No. 3-2010]

A. An applicant desiring to take the test for the position of sergeant in the Reading Department of Police must be a sworn member of the Reading Department of Police with three years' experience, who shall have attained the required three years' experience prior to the closing date fixed by the Civil Service Board. **[Amended 11-28-2011 by Ord. No. 63-2011]**

B. Where more than one member of the Department is qualified by virtue of this section to submit application to take the test for the position of sergeant, the Civil Service Board shall select the type of testing, set the weights of all parts of the testing process and conduct an examination process. The respective final scores of the candidates for the position of sergeant shall include points acquired for years of experience, as provided for in § 77-106 hereof, and points acquired for college credits as provided for in § 77-110, hereof, shall be added to the composite score to determine the final score.

C. Where more than one member qualifies for an appointment to the position of sergeant as a result of the sergeants examination, the Civil Service Board shall enter the names of such persons on a list of eligibles in the order of their respective total scores, the highest coming first. The Mayor shall choose from the three names at the top of the list for appointment to the rank of sergeant. Whenever any name is removed from the list, in accordance with this Part, all names on the list lower than that removed shall be moved up in position on the list accordingly.

§ 77-103. Lieutenant. [Amended 5-23-1990 by Ord. No. 52-1990; 10-3-1990 by Ord. No. 121-1990; 2-11-1992 by Ord. No. 13-1992; 5-29-2001 by Ord. No. 14-2001; 2-8-2010 by Ord. No. 3-2010]

A. An applicant desiring to take the test for the position of lieutenant shall be a sergeant who has held that position for at least one year prior to the closing date fixed by the Civil Service Board for the receipt of applications or one who held the position of detective on June 11, 1978, and who obtained such rank pursuant to Ord. No. 31-1968, as amended. **[Amended 11-28-2011 by Ord. No. 63-2011]**

B. Where more than three members of the Department are qualified by virtue of this section to submit an application to take the test for the position of lieutenant, the Civil Service Board shall select the type of testing, set the weights of all parts of the testing process and conduct an examination process. In determining the respective final scores of the candidates for the position of lieutenant, points acquired for years of experience as provided for in § 77-106

hereof, and points acquired for college credits as provided in § 77-110 hereof, shall be added to the composite scores to determine the final score.

C. Where more than three members qualify for an appointment to the position of lieutenant as a result of the examination, the Civil Service Board shall enter the names of such persons on a list of eligibles in the order of their respective total scores, the highest coming first. The Mayor shall choose from the three names at the top of the list for appointment to the rank of lieutenant. Whenever any name is removed from the list, in accordance with this Part, all names on the list lower than that removed shall be moved up in position on the list accordingly.

§ 77-104. Captain. [Amended 5-23-1990 by Ord. No. 52-1990; 3-11-1932 by Ord. No. 13-1992; 5-29-2001 by Ord. No. 14-2001; 2-8-2010 by Ord. No. 3-2010]

A. An applicant desiring to take the test for the position of captain shall be a sergeant who has held that position for at least five years prior to the closing date fixed by the Civil Service Board for the receipt of applications or a lieutenant who has a combination of at least five years in the position of sergeant and/or lieutenant prior to the closing date fixed by the Civil Service Board for the receipt of applications.

B. Where more than one member of the Department is qualified by virtue of this section to submit an application to take the test for the position of captain, the Civil Service Board shall select the type of testing, set the weights of all parts of the testing process and conduct an examination process consisting of a written and oral examination. In determining the respective final scores of the candidates for the position of captain, points acquired for years of experience as provided for in § 77-106, hereof, and points for college credits as provided for in § 77-110 hereof, shall be added to the composite scores to determine the final score.

C. Where more than one member qualifies for an appointment to the position of captain as a result of the examination, the Civil Service Board shall enter the names of such persons on a list of eligibles in order of their respective total scores, the highest coming first. The Mayor shall choose from the three names at the top of the list for appointment to the rank of captain. Whenever any name is removed from the list, in accordance with this Part, all names on the list lower than that removed shall be moved up in position on the list accordingly.

§ 77-105. Inspector. [Amended 5-13-1990 by Ord. No. 52-1990; 10-3-1990 by Ord. No. 121-1990]

An applicant for the position of inspector shall be a lieutenant who has held that position for at least three years or a captain who has held that position for at least one year or the position of lieutenant for at least three years. Applicant names shall be reviewed by the police executive staff with recommendations forwarded to the Chief of Police, who shall then either approve or disapprove such recommendations and submit his recommendations along with the staff's to the Mayor who shall appoint from those submitted.

§ 77-106. Service time. [Amended 5-29-2001 by Ord. No. 14-2001]

Those candidates for positions covered under this Part who shall have completed 20 years of service from the time of appointment to the Department of Police to the closing date fixed by the

Civil Service Board for the receipt of applications for the respective examinations, shall receive the maximum of five points allowed for service. Those who have not completed 20 years of service as aforesaid shall receive 1/4 point for each whole year of service completed as aforesaid.

§ 77-107. Probationary period. [Amended 5-23-1990 by Ord. No. 52-1990; 5-29-2001 by Ord. No. 14-2001]

Each member of the Police Department receiving a promotion to the aforementioned ranks, at the successful conclusion of a probationary period of one year from the date of the promotion, shall be subject to demotion by the Mayor only for cause, i.e., misconduct, failure to competently perform required duties, violation of Department-written directives or laws of the commonwealth or City ordinances. Reasons for demotions shall be set forth in writing and served on the member. In the event of a demotion, the member may appeal to Council by written notice to the Mayor within 15 days of the demotion. Council shall set a hearing date on such appeal which shall be held within a reasonable time in accordance with the local agency law.

§ 77-108. Score determination. [Amended 5-23-1990 by Ord. No. 52-1990; 5-29-2001 by Ord. No. 14-2001]

The Civil Service Board shall determine passing scores for all tests and examinations in conference with the administrators of such authorized tests or examinations and Police Department representatives. Passing scores shall be determined by Police Department personnel needs for each particular position being tested for and/or test criteria for adequate knowledge to perform in the tested position. Such determination shall be known, in writing, to all candidates before each portion of a testing or examination process occurs.

§ 77-109. Eligibility lists. [Amended 5-29-2001 by Ord. No. 14-2001; 2-12-2007 by Ord. No. 11-2007]

Members of the Department whose names appear on the eligibility list as certified by the Civil Service Board shall, if passed over in the appointment, remain on the eligibility list in the position as indicated by their total score for a period of two years after the date the list is officially certified. If a member of the Department is passed over three times, his or her name shall be removed from the list. A member is considered to be passed over on each separate occasion when a person(s) whose name(s) appear(s) below him or her on the eligibility list is appointed before he or she is appointed. If at any time three or fewer names appear on the eligibility list in effect under this Part, the Mayor may terminate the list and require the Civil Service Board to conduct retesting.

§ 77-110. College credits. [Amended 3-11-1992 by Ord. No. 13-1992]

A. Those candidates for positions covered under this Part who have at least 30 or more college credit hours, shall receive 1/2 point for each 15 completed hours to a maximum total of five points for 150 credit hours in accordance with the following scale:

Credit Hours	Points
30 to 44	1.0
45 to 59	1.5
60 to 74	2.0

Credit Hours	Points
75 to 89	2.5
90 to 104	3.0
105 to 119	3.5
120 to 134	4.0
135 to 149	4.5
150 and over	5.0

B. College credit hours shall be earned at an accredited college or university. Only those credits earned before the closing date fixed by the Civil Service Board for the receipt of applications shall be considered.

Chapter 91

SALARIES AND COMPENSATION

PART 1
Elected Officials

§ 91-101. Compensation.

§ 91-102. Payment of salary.

§ 91-103. Salary increases.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Pensions — See Ch. 62.

Personnel — See Ch. 70.

PART 1

Elected Officials

[Adopted 6-28-1989 by Ord. No. 74-1989 (Ch. 1, Part 3, of the 2001 Code of Ordinances)]

§ 91-101. Compensation. [Amended 5-29-2001 by Ord. No. 14-2001; 4-14-2003 by Ord. No. 9-2003; 4-24-2007 by Ord. No. 29-2007]

From and after the first Monday of January 2008, the following salaries shall be paid to each of the hereinafter designated elected officials of the City in accordance with the following schedule; provided, however, that such salaries shall apply only to such elected officials assuming office on or after the first Monday of January 2008:

A. Mayor. The Mayor of the City of Reading shall be compensated at an annual salary of:

(1) For the period beginning the first Monday in January 2008, and ending the first Sunday in January 2009: $68,100.

(2) For the period beginning the first Monday in January 2009, and ending the first Sunday in January 2010: $69,600.

(3) For the period beginning on the first Monday in January 2010, and ending the first Sunday in January 2011: $71,100.

(4) For the period beginning the first Monday in January 2011, and annually for each year thereafter: $72,600.

B. President of Council. The City Council President for the City of Reading shall be compensated at an annual salary of $5,500 per year.

C. Councilmen. The District Councilpersons for the City of Reading shall be compensated at an annual salary of $5,000 per year.

D. City Auditor. The City Auditor of the City of Reading shall be compensated at an annual salary of:

(1) For the period beginning the first Monday in January 2008, and ending the first Sunday in January 2009: $53,100.

(2) For the period beginning the first Monday in January 2009, and ending the first Sunday in January 2010: $54,600.

(3) For the period beginning on the first Monday in January 2010, and ending the first Sunday in January 2011: $56,100.

(4) For the period beginning the first Monday in January 2011, and annually for each year thereafter: $57,600.

§ 91-102. Payment of salary.

The salaries fixed by the foregoing schedule in § 91-101 shall be payable bimonthly as the salaries of other officials and employees are paid.

§ 91-103. Salary increases.[1]

Any subsequent salary increases shall be approved by Council.

1. **Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).**

Chapter 120

ALARM SYSTEMS

§ 120-101. Short title.
§ 120-102. Intent and purpose.
§ 120-103. Definitions.
§ 120-104. Alarm business permits.
§ 120-105. Alarm business permit fee.
§ 120-106. Alarm business responsibilities.
§ 120-107. Alarm system regulations and standards.
§ 120-108. Automatic dialing devices.
§ 120-109. Intermediary monitoring service standards.
§ 120-110. Inspection of alarm systems.
§ 120-111. Statistical data.
§ 120-112. Alarm user permits.
§ 120-113. Alarm user permit fee; exemptions.
§ 120-114. Alarm user responsibilities.
§ 120-115. False alarms; service fees.
§ 120-116. Collections.
§ 120-117. Administrative rules.
§ 120-118. Confidentiality.
§ 120-119. Violations and penalties.
§ 120-120. Appeals.

[HISTORY: Adopted by the City Council of the City of Reading 12-13-1995 by Ord. No. 126-1995 (Ch. 13, Part 1, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

Fire prevention and protection — See Ch. 237.

STATE LAW REFERENCES

False alarms — See 18 Pa.C.S.A. § 4905.

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§ 120-101. Short title.

This chapter shall be known and may be cited as the "City of Reading, Pennsylvania, Burglary and Robbery Alarm Systems Ordinance."

§ 120-102. Intent and purpose.

The purpose of this chapter is to encourage alarm users and alarm businesses to maintain operational reliability and properly use alarm systems and to reduce false alarms by providing minimum standards and regulations applicable to burglary, robbery, and police emergency alarm systems, alarm businesses, alarm agents and alarm users as defined in this chapter.

§ 120-103. Definitions. [Amended 5-29-2001 by Ord. No. 14-2001]

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

ALARM AGENT —

A. Any person who is self-employed in or employed by an alarm business whose duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, selling, servicing, or responding to an alarm system.

B. Exemptions: This definition shall not include a person who engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location. Further, new construction personnel not in the employ of an alarm business may be involved under contracts or subcontracts in the use or installation of alarm systems.

ALARM BUSINESS —

A. Any business operated by any individual, including a person self-employed, partnership, corporation, or other entity which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing, or responding to an alarm system.

B. Exemptions. This definition shall not include any business that engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location.

ALARM COORDINATOR — The individual designated by the Chief of Police to issue permits and enforce the provisions of this chapter.

ALARM SYSTEM —

A. Any single device or assembly of equipment, mechanical, electrical, or battery operated arranged to detect and signal an unauthorized intrusion into a premises or to signal an attempted or actual robbery or police emergency at a protected premises, and with respect to such signal public police and/or private guards are expected to respond.

B. Devices maintained and operated by the Reading Department of Police used for the detection of unlawful acts and known as "Antiburglary/Antirobbery" (ABAR) systems shall not be included under this definition. Devices which are designed for and installed upon motorized vehicles and trailers shall not be included under this definition.

ALARM USER — Any person on whose premises an alarm system is maintained within the City except for an alarm system on motor vehicles or proprietary systems. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises (other than a proprietary system), the person using such system is an alarm user.

ANSWERING SERVICE — A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the complaint office of the Department of Police.

AUDIBLE ALARM — Any device, bell, horn, or siren which is attached to the interior or exterior of a building, structure, or facility and emits a warning signal audible outside the building, structure, or facility and is designed to attract attention when activated by a criminal act or other emergency requiring police response.

AUTOMATIC DIALING DEVICE — Any device which is interconnected to a telephone line and is programmed to transmit by prerecorded voice message or coded signal an emergency message indicating a need for emergency response.

BILLING AGENT — The company that the City has contracted with to collect all fees payable under this chapter. **[Added 7-9-2012 by Ord. No. 76-2012]**

CENTRAL STATION — A protective system or group of such systems operated privately for customers by a person, firm or corporation which accepts recorded or coded messages from automatic dialing devices at a central station having operators and guards in attendance at all times who have the duty to take appropriate action upon receipt of a signal or message, including the relaying of messages to the Reading Department of Police.

CHIEF OF POLICE — The Chief of the Department of Police of the City of Reading, Pennsylvania, or his designated representative.

CITY — The City of Reading, Pennsylvania.

DEPARTMENT OF POLICE or POLICE — The publicly supported Department of Police of the City of Reading, Pennsylvania or any authorized agent thereof.

FALSE ALARM —

A. An alarm activated in the absence of an emergency, whether willfully or by inadvertence, negligence, or unintentional act, including the malfunction of the alarm system, to which the Department of Police responds. The definition excludes testing or repairing of telephone or electrical lines or equipment outside the premises; acts of God, such as earthquake, flood, windstorm, thunder, or lightning; an attempted illegal entry of which there is visible evidence; or a crime in progress. If doubt exists as to cause of the alarm, the Chief of Police or his designee shall make a decision regarding the circumstances of the activation.

B. Multiple alarms received by the Department of Police before the system can be deactivated within a reasonable period of time shall be considered a single alarm.

C. A false alarm shall also mean the intentional activation of a robbery alarm for other than a robbery in progress, the intentional activation of a burglary alarm for other than a burglary in progress and the intentional activation of a police emergency alarm for other than a police emergency in progress.

INTERCONNECT — To connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes the telephone line to transmit a message upon the activation of the alarm system.

LOCAL ALARM SYSTEM — A system which is attached to the interior or exterior of a building, structure, or facility which when activated causes an audible and/or visual warning signal which can be heard and/or seen outside the building, structure, or facility and designed to attract attention when activated by a criminal act or other emergency requiring police response.

PERMIT — Written permission duly granted to an applicant by the City of Reading upon payment of the required fee.

POLICE EMERGENCY — An incident requiring prompt response by the Department of Police.

PRIMARY TRUNKLINE — A telephone line leading into the complaint office of the Department of Police that is for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company and covering the service area within the City of Reading.

PROPRIETARY ALARM — Any alarm system which sounds within the protected premises or control center under the supervision of the proprietor of the protected building, structure, or facility. If police response is expected or is a result of this proprietary alarm signal or message, it thereby becomes an alarm system as defined by this chapter.

SUBSCRIBER — A person who buys and/or leases, or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm.

§ 120-104. Alarm business permits. [Amended 9-13-1996 by Ord. No. 29-1996; 5-29-2001 by Ord. No. 14-2001]

A. Any person engaging in an alarm business in the City of Reading shall, within 30 days after the effective date of this chapter, file an application for an alarm business permit with the Alarm Coordinator. The application shall contain such information as is reasonably required by the Chief of Police to administer and enforce this chapter.

B. Applicants for alarm business permits shall agree in writing and as a condition for receiving permits to do the following:

(1) Notify the Alarm Coordinator within 14 days of any substantial change affecting the status or validity of this permit.

(2) Agree to issue to all alarm agents connected with or in the employ of the business, identification cards containing, as a minimum:

(a) The name of the business.

(b) The alarm business permit number.

(c) Name of the agent.

(d) Signature of an official of the business and agent named.

(3) Applicants shall possess and maintain an electrical installer (dealer) license, as defined in as the Electrical Code, § 180-702. The qualifications are listed under § 180-702. All persons are employed by the electrical installer (dealer) who will be engaged in the actual installation of security alarm systems must obtain an electrical installer "B" license as defined under § 180-702.

C. Applicants shall furnish an insurance certificate annually confirming that the applicant has in force general liability insurance coverage in an amount of not less than $300,000 each occurrence. An applicant who self-insures such coverage shall furnish evidence of financial ability.

D. Following the completion of the application and payment of the appropriate fee as indicated in § 120-105, the Department of Police shall have 15 working days to investigate the applicant, process the application, and to grant or deny a permit.

E. Permits to any applicant shall be denied if:

(1) The applicant does not agree to comply or fails to comply with the requirements of this chapter and rules and regulations adopted pursuant to this chapter.

(2) The applicant has knowingly made any false, misleading, or fraudulent statements of material fact in the application or in any report or record required to be filed with the City of Reading.

(3) A corporation, sole proprietor, partner, joint venture, trustee, executor, administrator, employee, fiduciary, or stockholder with a 5% or greater interest in a corporation (except a corporation whose stock is publicly traded and registered with the Securities and Exchange Commission or with a state securities commission) applying for a permit has ever been convicted of a felony charge or pleaded nolo contendere to a felony charge or indictment.

F. When an application for a permit is denied, the applicant shall be notified in writing of the denial with the basis thereof. If reason(s) for denial are correctable, the applicant will be so advised with suggestions on how these corrections can be made and what time limit has been set for making said corrections.

G. Permit applications shall be accompanied by a nonrefundable fee as provided in Chapter 212, Fees, to cover the costs to the City of processing the application and investigating the applicant. No prorating is permitted of the initial fee. **[Amended 8-26-2013 by Ord. No. 35-2013]**

H. The Alarm Coordinator shall, after investigation, issue an alarm business permit to an alarm business meeting the requirements of this section. Each permit shall bear the signature of the Coordinator and be for a one-calendar-year period. A copy of the permit shall be physically upon each of the premises using the alarm business' systems and shall be available for inspection by the Chief of Police, the Alarm Coordinator or his representative.

§ 120-105. Alarm business permit fee. [Amended 7-9-2012 by Ord. No. 76-2012; 8-26-2013 by Ord. No. 35-2013]

Alarm businesses shall pay an annual permit fee as provided in Chapter 212, Fees, due and payable to the Billing Agent by January 31 of each year. Applications for renewal shall be processed in the same manner as initial applications.

§ 120-106. Alarm business responsibilities.

A. It shall be unlawful for any person to engage in or conduct business or operate as an alarm agent at any time within the limits of the City of Reading unless connected with and carrying identification from a business issued an alarm business permit in accordance with this chapter. Agent identification must be carried at all times while engaged in alarm business activities and must be displayed to any police officer upon request.

B. Alarm businesses which have installed alarm systems in the City of Reading shall supply to the Alarm Coordinator within 90 days after the effective date of this chapter or upon notice of approval of a permit application, whichever occurs later, a current list of such installations which shall include the following information:

(1) The name, residence, and telephone number of the owner or user.

(2) The address where the system is installed and the telephone number at that address.

(3) The name, address, and telephone number of any other persons or firm who is authorized to respond to an emergency and gain access to the address where the system is installed.

(4) The name and telephone number of any person, firm or corporation, if any, other than the alarm business, who is responsible for maintenance and repair of the system.

(5) The type of system, i.e., burglary, robbery or police emergency.

C. By the fifth working day of each month following submission of the initial list, every alarm business shall furnish the Alarm Coordinator with a supplemental list of any additional installations, along with any corrections or deletions from the list previously furnished.

D. All information furnished pursuant to this section shall be kept confidential and shall be for authorized use of the Department of Police.

E. Every alarm business selling, leasing, or furnishing to any user an alarm system which is installed on premises located in the City of Reading shall furnish the user with written instructions that provide information to enable the user to operate the alarm system properly and obtain service for the alarm system at any time.

F. Every alarm business that installs one or more alarm systems in the City shall make service available directly or through an agent on a twenty-four-hour-a-day basis seven days a week, to repair such systems and to correct malfunctions as they occur.

G. Every alarm business shall furnish at their own expense, at or prior to the time of contracting, a copy of this chapter to owners, lessees or users of the systems or services to be supplied.

§ 120-107. Alarm system regulations and standards.

A. Audible alarm systems shall be equipped with a timing mechanism that will disengage the alarm annunciator after a maximum period of 20 minutes. Audible alarms without such timing mechanisms shall be unlawful in the City and must be disconnected by the user within 90 days from the effective date of this chapter.

B. Every alarm system installed shall consist only of equipment that is listed by Underwriter's Laboratories, Inc., as being electronically safe and meeting the City's requirements for the alarm system. Wiring for the alarm system must conform with all applicable City codes.

C. Every system installed shall be provided with standby battery power which shall automatically and immediately take over in the event of a power failure.

D. Every system installed shall be done with equipment in such a way as to neutralize electrical surges on the alarm system.

§ 120-108. Automatic dialing devices.

A. No automatic dialing device shall be interconnected to a primary trunkline after the effective date of this chapter.

B. Within 90 days after the effective date of this chapter, all automatic dialing devices interconnected to a primary trunkline shall be disconnected therefrom. The user of such device shall be responsible for having the device disconnected within the ninety-day time period.

C. Users of an automatic dialing device may have the device interconnected to a telephone line transmitting directly to intermediary monitoring services such as:

(1) A central station.

(2) A modified central station.

(3) An answering service.

D. The relaying of messages by intermediary services to the police may be over a primary trunkline or over a direct line paid for by the intermediary service.

E. Automatic dialing devices may also be interconnected to one or more telephone numbers available to the user of the devices, or their designated representative, at another location.

§ 120-109. Intermediary monitoring service standards. [Amended 5-29-2001 by Ord. No. 14-2001]

A. Emergency messages from alarm systems shall be given priority over all other messages received by the intermediary service, except that fire alarm signals may have equal priority.

B. All operators shall be trained to handle emergency messages.

C. As soon as possible after notifying the police, the operator concerned shall notify the subscriber involved of such action and the nature of the emergency message received.

D. All subscribers of an intermediary service shall be required by the service to cooperate in a test of its alarm devices at least once a year to determine if the system is working properly. The intermediary service shall certify that the test requirements have been fulfilled. Unsatisfactory test results shall be reported promptly in writing, to the subscriber and the Alarm Coordinator. Until the system in question is again working properly, the Department of Police may require that its use be discontinued.

§ 120-110. Inspection of alarm systems.

A. For the purpose of enforcing the provisions of this chapter, the Chief of Police or Alarm Coordinator shall have the authority to enter any premises in the City of Reading in or upon which alarm systems are located, to inspect the installation and/or operation of such alarm systems.

B. Application for a permit for the installation of such a system and subsequent installation of such a system pursuant to a permit issued or the continuance of the use of any alarm system already installed at the effective date of this chapter shall constitute consent by the

owner or lessee thereof and authorization for the inspection of any such installation and/or operation by the Chief of Police or Alarm Coordinator.

C. All such entries upon the premises where an alarm system is installed and all such inspection of the installation and operation of alarm systems shall be at reasonable times and upon reasonable notice, except in emergency situations.

§ 120-111. Statistical data.

In addition to any other information that may be required to be supplied by the provisions of this chapter, the Chief of Police may require an alarm business to furnish him with certain statistical data which may be reasonably available relative to specified periods of operation after the effective date of this chapter.

§ 120-112. Alarm user permits. [Amended 5-29-2001 by Ord. No. 14-2001]

A. Any person desiring to use an alarm system in the City of Reading shall, within 60 days after of the effective date of this chapter, file an application for an alarm user permit, for each system, with the Alarm Coordinator. The application shall contain such information as is reasonably required by the Chief of Police to administer and enforce this chapter.

B. Applicants for alarm user permits shall agree in writing and as a condition for receiving and keeping permits to notify the Alarm Coordinator within 14 days of any substantial change affecting the validity of the permit.

C. Following the completion of the application and payment of the appropriate fee as indicated in § 120-113, the Department of Police shall have 15 working days to investigate the applicant, process the application, and to grant or deny a permit.

D. Alarm user permits to any applicant shall be denied if:

(1) The applicant does not agree to comply or fails to comply with the requirements of this chapter and rules and regulations adopted pursuant to this chapter;

(2) The applicant has knowingly made false, misleading, or fraudulent statements of a material fact in the application or in any report or record required to be filed with the City of Reading; or

(3) The applicant has had a similar type permit previously revoked for good cause in the past unless the applicant can show a material change in the circumstances since the date of revocation.

E. When an application for a permit is denied, the applicant shall be notified in writing of the denial with the basis thereof. If the reason(s) for denial are correctable, the applicant will be so advised with suggestions on how these corrections can be made and what time limit has been set for making said corrections.

F. The Alarm Coordinator shall, after investigation, issue an alarm user permit to an applicant meeting the requirements of this section. Each permit shall bear the signature of the Coordinator and be valid for the period that the owner or tenant owns or leases the premises upon which the alarm system is installed. The permit shall be physically present upon the premises upon which the alarm system is installed and shall be available for inspection by the Chief of Police, the Alarm Coordinator or his representative.

G. Applicants already using alarm systems in the City of Reading may continue to use the alarm systems while their permit applications are being processed. All alarm systems installed after the effective date of this chapter shall not commence use until their alarm user permit application is approved.

H. By submitting an application for permit for the installation of an alarm system and the subsequent installation of such a system or by the continuation of the use of an alarm system already installed at the effective date of this chapter, the owner, lessee or user thereof shall agree that such permit application constitutes a waiver of the right to bring or file action, claim or complaint whatsoever against any police officer or other agent of the City who makes a forced entry in response to such an alarm into the premises on which such an alarm is installed as a result of entry into the protected premises.

I. In the event the owner of such a premises is a person other than the alarm user permit applicant, as in the instance of a lessee or other use not the owner of the premises on which the alarm is installed, such permit application shall constitute an indemnification agreement by the applicant to hold harmless any police officer, the City of Reading, the Police Department, or other agent, as appropriate, from any all damages whatsoever claimed by the lessor or owner of the premises on which the alarm is installed.

§ 120-113. Alarm user permit fee; exemptions. [Amended 5-29-2001 by Ord. No. 14-2001]

A. Alarm users shall pay a permit fee as provided in Chapter 212, Fees, to the Billing Agent. This fee shall be for the period that the owner or tenant owns or leases the premises upon which the alarm system is installed. **[Amended 7-9-2012 by Ord. No. 76-2012; 8-26-2013 by Ord. No. 35-2013]**

B. An alarm user permit will automatically terminate upon the change in occupancy or usage of the premises for which originally issued.

C. The following are exemptions to the alarm user permit fees:

(1) The United States Government, the Commonwealth of Pennsylvania, counties, municipal corporations, departments thereof and other governmental entities are exempt from the fees required in this chapter.

(2) A residential alarm user who is over the age of 65 and is the primary resident of the residence may obtain an alarm user's permit from the Department of Police according to this chapter without payment of a fee.

D. Alarm users who are not required to pay a fee or who are exempt from obtaining an alarm user's permit as above shall, nevertheless, be subject to the penalty provisions of this chapter.

§ 120-114. Alarm user responsibilities. [Amended 5-29-2001 by Ord. No. 14-2001]

A. No person shall conduct any test or demonstration of any alarm system without first notifying the complaint desk of the Department of Police.

B. Alarm users shall supply to the Alarm Coordinator within 90 days after the effective date of this chapter or upon notice of approval of a permit application, whichever occurs later, the following information:

(1) The name of the owner, tenant, or agent responsible for the property and name of the business (if applicable).

(2) The address of the property and telephone number.

(3) The alarm business or other entity responsible for maintaining the system.

(4) The type of alarm and how the alarm signal will be received by the Department of Police.

(5) The names and telephone numbers of at least two persons to be contacted to secure the property.

C. Alarm users shall notify the Alarm Coordinator within 14 days of any change in the information required by this section.

D. Any person using an alarm system shall be required to deactivate any alarm system within a reasonable period of time when multiple false alarms are received. The system shall remain deactivated until it has been repaired and functioning in accordance with the standards of this chapter.

§ 120-115. False alarms; service fees. [Amended 5-29-2001 by Ord. No. 14-2001; 7-26-2010 by Ord. No. 41-2010; 7-9-2012 by Ord. No. 76-2012]

A. The City of Reading Police Department will keep written record of all false alarms and will share such information with the billing agent. The Billing Agent shall, within 10 business days, notify the person in whose name the alarm is registered of such false alarm.

B. The alarm user permit holder shall be assessed a fee for service for each false alarm in a calendar year to be payable to the Billing Agent in such amounts as provided in Chapter 212, Fees. **[Amended 8-26-2013 by Ord. No. 35-2013]**

§ 120-116. Collections. [Added 8-12-2013 by Ord. No. 38-2013[1]]

Delinquent permit and false alarm fees will be turned over to a collections agency and subject to collection costs after 90 days of delinquency.

§ 120-117. Administrative rules.

The Chief of Police shall promulgate such rules as may be necessary for the implementation, administration, and enforcement of this chapter. Any such rules shall be approved by the Council of the City of Reading and shall be available for public inspection.

§ 120-118. Confidentiality.

The information furnished and secured pursuant to this chapter shall be confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this chapter.

§ 120-119. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

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1. Editor's Note: This ordinance also redesignated former §§ 120-116 through 120-119 as §§ 120-117 through 120-120, respectively.

A. A violation of any provision in this Part may result in the revocation of any permit issued and/or can constitute a summary offense punishable by a fine, plus costs of prosecution. Such fines and costs shall be collectible before any Magisterial District Judge as like fines and costs are now by law collectible. Each twenty-four-hour period during which failure to comply continues shall constitute a separate offense. Violation of any provisions of this chapter shall be subject to the following penalties: **[Amended 8-12-2013 by Ord. No. 38-2013]**

(1) First violation: a fine of $100, or 30 days' imprisonment, or both.

(2) Second violation: a fine of $200, or 30 days' imprisonment, or both.

(3) Third violation: a fine of $300, or 30 days' imprisonment, or both.

B. Any person found guilty of willful misuse or willful false activation of an alarm system shall be, upon conviction thereof, sentenced to pay a fine not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days for each and every such activation. Such fines and costs shall be collectible before any Magisterial District Judge as like fines and costs are now by law collectible. The same shall constitute a summary offense.

C. The payment of any fees required shall not be a bar against prosecution for any violations under this chapter.

§ 120-120. Appeals. [Added 7-12-2012 by Ord. No. 76-2012]

A. Administrative appeal.

(1) A person in receipt of a fine/fee related to false alarms may appeal to the Chief of Police by filing a request with the Police Administration in writing within 15 calendar days of the date of the fine/fee.

(2) Payment of the fine/fee must be paid in full at the time of filing of the appeal. Such payment will be refunded within 30 calendar days should the alleged violator win the appeal.

(3) The appeal hearing will be held before the Police Chief or his/her designee. The Police Chief or his/her designee may uphold the appeal, deny the appeal, or may modify the fine/fee as he/she sees appropriate.

B. Subsequent appeals. Any subsequent appeal shall be filed to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S.A. §§ 751 and 752.

Chapter 127

ALCOHOLIC BEVERAGES

PART 1
Consumption or Storage on Business Premises During Certain Hours

§ 127-101. Consumption or storage prohibited on business premises not licensed by Liquor Control Board.
§ 127-102. Presence prohibited on premises not licensed by Liquor Control Board.
§ 127-103. Violations by officers and agents additional to violations by persons.
§ 127-104. Violations and penalties.

PART 2
Consumption Without Consent of Owner

§ 127-201. Definitions.
§ 127-202. Prohibiting consumption of alcoholic beverages without consent of owner.
§ 127-203. Violations and penalties.

PART 3
Bottle Clubs

§ 127-301. Application.
§ 127-302. Purpose.
§ 127-303. Definitions.
§ 127-304. Unlawful activities.
§ 127-305. Club requirements.
§ 127-306. Club permit; fee.
§ 127-307. Authority of police officer.
§ 127-308. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

STATE LAW REFERENCES

Misrepresentation of age to obtain liquor — See 18 Pa.C.S.A. §§ 6307 and 6309.

Purchase, consumption, possession or transportation of alcoholic beverages — See 18 Pa.C.S.A. § 6308.

Inducement of minors to buy liquor — See 18 Pa.C.S.A. § 6310.

PART 1

Consumption or Storage on Business Premises During Certain Hours [Adopted 2-24-1988 by Ord. No. 17-1988 (Ch. 6, Part 1B, of the 2001 Code of Ordinances)]

§ 127-101. Consumption or storage prohibited on business premises not licensed by Liquor Control Board.

No person shall allow on business premises the storage by others of alcoholic beverages, as defined in the Pennsylvania Liquor Code, owned, operated, leased or controlled by him, her or them, which is not licensed by the Pennsylvania Liquor Control Board, for consumption by anyone of such alcoholic beverages on such premises between the hours of 2:00 a.m. and 8:00 a.m., prevailing time, of each day or to allow on such business premises any persons to consume alcoholic beverages on such premises, whether or not stored on such premises, between the hours of 2:00 a.m. and 8:00 a.m., prevailing time, of each day.

§ 127-102. Presence prohibited on premises not licensed by Liquor Control Board.

No person shall be present on business premises in which alcoholic beverages are stored or consumed in violation of § 127-101, between the hours of 2:00 a.m. and 8:00 a.m., prevailing time, each day.

§ 127-103. Violations by officers and agents additional to violations by persons.

In the event any of the aforesaid activity is conducted by or in the name of a corporation, partnership, joint venture, trust, firm or association and/or the premises in which the activities are conducted are owned or leased by a corporation, partnership, joint venture, trust, firm or association, the officers or agents of the corporation, partnership, joint venture, trust, firm or association shall be deemed in violation of this Part, as well as the person or persons engaged in the prohibited activity set forth in §§ 127-101 and 127-102.

§ 127-104. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

PART 2

Consumption Without Consent of Owner

[Adopted 8-30-1989 by Ord. No. 89-1989 (Ch. 6, Part 1C, of the 2001 Code of Ordinances)]

§ 127-201. Definitions.

As used in this Part, certain words are defined as follows:

ALCOHOLIC BEVERAGES — Both brewed and malt beverages and liquor as defined in the Pennsylvania Liquor Code.

OWNER — Includes the fee title holder, lessee or other person lawfully entitled to control of the property and with respect to public property, the City or other governmental entity holding title to such property.

PUBLIC PLACE — Any street, alley, sidewalk, park, playground or place to which the general public has access.

§ 127-202. Prohibiting consumption of alcoholic beverages without consent of owner. [Amended 5-29-2007 by Ord. No. 37-2007]

No person within the City shall consume alcoholic beverages on public places unless permitted by law or on private property without the consent of the owner. With respect to governmentally owned property, the consent of duly authorized representatives of the governmental entity shall be required.

§ 127-203. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

PART 3
Bottle Clubs
[Adopted 5-14-2007 by Ord. No. 35-2007 (Ch. 6, Part 1A, of the 2001 Code of Ordinances)]

§ 127-301. Application.

This Part shall apply to bottle clubs within the City of Reading that are not licensed by the Pennsylvania Liquor Control Board.

§ 127-302. Purpose.

The Council of the City of Reading hereby declares that the purpose of the within rules and regulations is to regulate bottle clubs to preserve the health, safety and character of neighborhoods and to protect the rights of its citizens to the quiet enjoyment of the same.

§ 127-303. Definitions.

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

ALCOHOLIC BEVERAGES — Any and all beverages, including malt beverages, which contain alcohol, liquor or such other intoxicating substances as are further defined in the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq.

BOTTLE CLUB — A place of assembly or any other use defined in this Part, other than a dwelling unit, including, but not limited to, taverns, clubs, and social buildings, that is not licensed by the Pennsylvania Liquor Control Board, in which no alcoholic beverages are sold, but which permits the consumption of such beverages by patrons or guests when such beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or guests assembling there. This term includes, but is not limited to, those organizations commonly known as "social clubs."

OPERATE — Any person, entity or establishment that:

A. Controls or causes to be controlled through agents or employees any bottle club.

B. Conducts or manages a bottle club.

C. Owns, leases or subleases any area used as a bottle club.

RESIDENCE — A building or structure wholly or partially used for living, sleeping, eating, cooking and sanitation by human occupants.

RESIDENTIAL DISTRICT — Those classes of residential districts as specified in Chapter 600, Zoning.

§ 127-304. Unlawful activities.

In any district in which bottle clubs are otherwise permitted, it shall be unlawful for any person or persons who own, operate, lease, manage or control a bottle club to:

A. Remain open and/or to transact business between the hours of 12:00 midnight and 11:00 a.m., prevailing time. In all cases, the premises must be vacated within 15 minutes after the required closing time.

B. Allow members to rent or occupy the club unrestricted. Bottle and social clubs will adhere to the following restrictions when allowing members to hold functions in the club. No event shall exceed six hours in length, nor to exceed one rental in a twenty-four-hour period, nor to occur between the hours of 12:00 midnight and 11:00 a.m. by individuals or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises.

C. Conduct activities to which this Part applies without possessing a valid club permit as specified herein.

D. Any structure of a bottle club shall be located in compliance with § 600-1203C of Chapter 600, Zoning. Bottle clubs operating under the City's existing laws will be exempted from § 127-305D until the property or club is sold or transferred to another party or legal entity.[1]

§ 127-305. Club requirements.

Any and all bottle clubs, as that term is defined, shall comply with the following requirements:

A. Obtain and carry general liability coverage in the minimum amount of $1,000,000 per occurrence, proof of which shall be filed with the Codes Enforcement Office of the City of Reading, proof of which shall be filed annually when the permit is renewed with the Codes Enforcement Office.

B. Possess a valid certificate of occupancy issued by the Pennsylvania Department of Labor and Industry and the City of Reading and prominently display said certificate as required, proof of which shall be filed annually when the permit is renewed with the Codes Enforcement Office.

C. Obtain a valid business privilege and mercantile tax license from the City of Reading and prominently display said license as required, proof of which shall be filed annually when the permit is renewed with the Codes Enforcement Office.

D. Obtain a City of Reading zoning permit and all other valid City of Reading permits and prominently display said permit as required, proof of which shall be filed annually when the permit is renewed with the Codes Enforcement Office.

E. Obtain a valid bottle club permit pursuant to this Part and prominently display said permit as required.

F. Conspicuously post the hours of operation at the business premises such that patrons are sufficiently apprised of same.

G. Clubs may not store any alcohol of any type on their premises between the hours of 12:00 a.m. and 11:00 a.m.

H. The owner and/or operator of the bottle club must provide proof that they are a resident of Berks County. If the owner and/or operator is not a Berks County resident, they must

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1. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

designate the name, mailing address and telephone number of a responsible agent who has a primary residence in Berks County and who has the oversight of the building's operations and is authorized to accept service on behalf of said property owner.

I. The owner and/or operator of the bottle club may not have been convicted of a crime classified as a felony offense under the laws of the Commonwealth of Pennsylvania or the United States, or be convicted of any comparable crime under the laws of any other state in the United States.

J. Have a valid and current trash collection contract with a licensed hauler, proof of which shall be filed annually when the permit is renewed with the Codes Enforcement Office.

§ 127-306. Club permit; fee.

A. Any person or persons desiring to operate or continue to operate a bottle club shall file with the Codes Enforcement Office of the City of Reading an application for a bottle club permit, which application shall include the following information: the name and address of the bottle club, a statement whether the business premises is leased or owned by the bottle club, the name and address of the lessor of the business premises, if applicable, the nature of the ownership of the bottle club, i.e., corporation, partnership, joint venture, association, the names and addresses of the officers and/or financial interest in the bottle club. Also supply the name, addresses and phone number of any and all managers and club officer who will be responsible for the operation of the club during any time that it is open or at special events and rentals. Failure to keep the City informed of current information will be cause to revoke the permit.

B. The Codes Enforcement Office shall determine whether the bottle club fully and completely complies with the provisions and requirements of this Part within 20 days following the date on which application is received. If the Codes Enforcement Office determines that the applicant fully and completely complies with the provisions hereof, the office shall issue a bottle club permit; if the Codes Enforcement Office determines that the applicant does not fully and completely comply with the provisions hereof, the office shall deny the issuance of a bottle club permit and shall furnish written evidence of the same to the applicant together with the reason(s) for denial.

C. The club shall pay an administrative fee as set by ordinance for a bottle club permit and a fee for each renewal thereof on a yearly basis.[2] Said bottle club permit shall be effective for a period of one year following the date of issuance; provided, in the event the bottle club fails to fully and completely comply with the provisions hereof or is convicted of any unlawful activities during the term of the bottle club permit so issued, the City of Reading shall have the authority to revoke the bottle club permit due to bottle club's lack of compliance.

§ 127-307. Authority of police officer.

Any police officer is authorized to arrest, with or without warrant, any person or persons violating any provision of this Part.

§ 127-308. Violations and penalties.

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2. Editor's Note: See Ch. 212, Fees.

A. Any person, persons, or entity violating the provisions of this Part shall, upon conviction thereof, be subject to a fine of $300 to $1,000 plus costs for each day of such violation and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days, and any and all other remedies available in accordance with the Code of the City of Reading and the laws of the Commonwealth of Pennsylvania.

B. The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted.

C. In addition to any monetary penalties involved, the City of Reading shall revoke the club permit required upon conviction of any unlawful activities and any building, occupancy, zoning or other similar permits previously issued by the City for the premises on which such bottle club has been operated.

D. In the event of any of the unlawful activities specified herein are conducted by or in the name of a corporation, partnership, joint venture, trust, firm or association, in addition to entity liability, the officers, agents or principals of said corporation, partnership, joint venture, trust, firm or association shall be deemed in violation, as well as the person or persons engaged in the unlawful activity.

Chapter 141

ANIMALS

PART 1
Pigeons

§ 141-101. Coop size and number of pigeons.
§ 141-102. Sanitary maintenance; loud noises prohibited.
§ 141-103. Feeding prohibited.
§ 141-104. Humane disposition of pigeons at large.
§ 141-105. Violations and penalties.

PART 2
Animal Control

§ 141-201. Purpose.
§ 141-202. Definitions.
§ 141-203. Nuisances.
§ 141-204. Keeping of exotic animals, domestic agricultural animal, or native wildlife animal.
§ 141-205. Caring for animals.
§ 141-206. Sanitation.
§ 141-207. Restraining and confinement generally.
§ 141-208. Restraint of guard dogs.
§ 141-209. Restraining of dangerous dogs, aggressive dogs and vicious dogs.
§ 141-210. Property owners may impound.
§ 141-211. Return of animal to owner.
§ 141-212. Disposition of large animals.
§ 141-213. Limited number of animals allowed without registration.
§ 141-214. Dangerous dog and/or aggressive dog permits.
§ 141-215. Impoundment.
§ 141-216. Notice to owner and redemption.
§ 141-217. Animal Control Board established.
§ 141-218. Animal Control Board; powers and duties.
§ 141-219. Sanctions and remedies.
§ 141-220. Appeals.
§ 141-221. Enforcement.
§ 141-222. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Health code — See Chapter 288, Part 1.

Noise — See Ch. 387.

Parks and recreation — See Ch. 396.

STATE LAW REFERENCES

Dog Law of 1982 — See 3 P.S. 459-101 et seq.

Domestic Animal Law — See 3 Pa.C.S.A. § 2301 et seq.

Board of Health authority regarding keeping and slaughtering animals — See 53 P.S. § 37308(11).

Rabies Prevention and Control in Domestic Animals and Wildlife Act — See 3 P.S. § 455.1 et seq.

Dangerous dogs — See 3 P.S. § 459-502-A et seq.

Cruelty to animals — See 18 Pa.C.S.A. § 5511.

Carrier and racing pigeons — See 53 P.S. § 3951 et seq.

PART 1

Pigeons

[Adopted 7-7-1965 by Ord. No. 31-1965 (Ch. 2, Part 2, of the 2001 Code of Ordinances)]

§ 141-101. Coop size and number of pigeons.

No person, firm or corporation shall keep, maintain or harbor any pigeons within the City in a suitable house or coop which is more than 800 cubic feet in size and not more than 100 pigeons shall be kept by any one person, firm or corporation at any time. Pigeon houses or coops may also have an attached enclosed runway, but all structures for keeping the pigeons shall be constructed so as to keep the pigeons properly confined and prevent their flying abound.

§ 141-102. Sanitary maintenance; loud noises prohibited.

Any pigeon houses, coops or runways shall be maintained in such proper sanitary conditions as to avoid offensive odors, and no pigeons shall be kept which create any loud and excessive noises.

§ 141-103. Feeding prohibited.

No person shall intentionally feed pigeons at large.

§ 141-104. Humane disposition of pigeons at large. [Amended 5-29-2001 by Ord. No. 14-2001; 12-28-2009 by Ord. No. 57-2009]

Pigeons at large and not branded may be captured and destroyed by any humane means by any representative of the Property Improvement Division of the Police Department, by the City's animal control authority or by any property owner of the City upon whose property may such pigeon shall be found at large.

§ 141-105. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Any person, firm or corporation who shall violate this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

PART 2

Animal Control

[Adopted 11-15-2005 by Ord. No. 72-2005 (Ch. 2, Part 1, of the 2001 Code of Ordinances)]

§ 141-201. Purpose.

The purpose of this Part is to promote the public health, safety and general welfare of the citizens of the City of Reading and to ensure the humane treatment of animals by regulating the care and control of animals within the City.

§ 141-202. Definitions. [Amended 12-28-2009 by Ord. No. 57-2009]

When used in this Part, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ANIMAL — Construed in a broad sense to include not only mammals, but also birds, reptiles and insects.

ANIMAL CONTROL OFFICER — A City employee or agent authorized to enforce the City of Reading Code, an employee of the designated animal control authority or agent of the City, designated by the Mayor to administer and enforce the licensing/permit, inspection and enforcement requirements contained within this Part.

ANIMAL HOSPITAL — Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

ANIMAL NUISANCE — Any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

ANIMAL SHELTER — Any facility operated by the City or designated animal control authority for the temporary care, confinement and detention of animals and for the humane euthanization and other disposition of animals. The term shall also include any private facility authorized by the Mayor or his designee to impound, confine, detain, care for or destroy any animal.

AT LARGE — An animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

ATTACK — The deliberate action of a dog, whether or not in response to a command by its owner, to bite, to seize with its teeth or to pursue any human, or animate object, with obvious intent to destroy, kill, wound, injure, or otherwise harm the object of its action. All attacks shall be reported to the City of Reading Health Officer within 48 hours (see Chapter 288, Part 1, Health Code, § 288-109, Animal bite incidents, of the Code of the City of Reading). **[Amended 6-23-2014 by Ord. No. 48-2014]**

CRUELTY — A person commits an offense if he wantonly or cruelly ill treats, overloads, beats, otherwise abuses any animal, or neglects any animal as to which he has a duty of care, whether belonging to himself or otherwise, or abandons any animal, or deprives any animal of necessary sustenance, drink, shelter or veterinary care, or access to clean and sanitary shelter which will protect the animal against inclement weather and preserve the animal's body heat and keep it dry. This shall not apply to activity undertaken in normal agricultural operation [See 18 Pa.C.S.A. § 5511(c)]. **[Amended 6-23-2014 by Ord. No. 48-2014]**

DESIGNATED ANIMAL CONTROL AUTHORITY — Agency that has a contract with the City of Reading for animal control.

DISPOSITION — Adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

DOG, AGGRESSIVE —

A. Includes any or all of the following, except police dogs or guard dogs acting under the supervision of a police officer or certified trained dog handler, or certified service dogs:

   (1) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or a domestic animal without provocation.

   (2) Any dog which, without provocation, pursues or attacks any person or domestic animal upon the streets, sidewalks or any public grounds or places.

   (3) Any dog which is trained to attack or cause injury or to otherwise endanger the safety of human beings or domestic animals, or any dog which has a history of attacking or propensity to attack people or domestic animals without provocation.

B. All bites and/or attacks shall be reported to the City of Reading Health Officer within 48 hours (see Chapter 288, Part 1, Health Code, § 288-109, Animal bite incidents, of the Code of the City of Reading).

DOG, DANGEROUS — Any dog as defined in 3 P.S. § 459-502-A(1).

DOMESTIC AGRICULTURAL ANIMAL — Any nonwildlife or nonexotic species altered through controlled breeding for the primary purpose of agricultural use or farming purposes. **[Amended 6-23-2014 by Ord. No. 48-2014]**

DOMESTIC COMPANION ANIMAL — Any nonwildlife or nonexotic species altered through controlled breeding for the primary purpose of human companionship and serving no widely recognized agricultural, farming use or working purposes.

EXEMPT EXOTIC ANIMAL — Any nondomestic animal not native to Pennsylvania routinely offered for sale by pet stores with in Pennsylvania, nonpoisonous reptiles not exceeding a maximum length of 60 inches at maturity, nonpoisonous fish, and nonpoisonous amphibians not requiring state, federal, or City permitting. **[Amended 6-23-2014 by Ord. No. 48-2014]**

EXOTIC ANIMAL — Any rare or unusual animal pet or an animal kept as a pet which is not commonly thought of as a pet may also be a species which is not indigenous to the locale including, but not limited to, alligators, crocodiles, foxes, tortoises, skunks, raccoons, chinchillas, wild felines as defined herein, snakes, lizards, scorpions, and nonhuman primates. **[Amended 6-23-2014 by Ord. No. 48-2014]**

GUARD OR ATTACK DOG — A dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

HARBORING — An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days. **[Added 6-23-2014 by Ord. No. 48-2014]**

HEEL — The animal is directly behind or next to a person and obedient to that person's command.

IMPOUNDMENT — The taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

KENNEL — Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

MUZZLE — A device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

NATIVE WILDLIFE ANIMAL — All nondomestic animals naturally occurring in the wild within the borders of Pennsylvania.

OFFICER — Police officer and/or duly appointed animal control officer.

OWNER — Any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Part. **[Amended 6-23-2014 by Ord. No. 48-2014]**

PERSON — Any individual, partnership, association, corporation, company, firm, institution, trustee, estate, trust, any private entity or public entity as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

PUBLIC NUISANCE ANIMAL — Any animal that unreasonably annoys humans, endangers the health of people or other animals, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to: **[Amended 6-23-2014 by Ord. No. 48-2014]**

A. Any animal that is found running at large.

B. Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint.

C. Any animal that damages any property other than that of its owner.

D. Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored shall be governed by Chapter 387, Noise, § 387-104, Specific prohibited acts, of the Code of the City of Reading.

E. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

F. Any animal in heat that is not confined so as to prevent attraction or contact with other animals.

G. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.

H. Any animal that chases motor vehicles in a public right-of-way.

I. Any animal that attacks domestic animals.

J. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

SANITARY — A condition of good order and cleanliness to minimize the possibility of disease transmission.

UNDER RESTRAINT — An animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

VICIOUS OR DANGEROUS ANIMAL — Any animal, including wild animals, that attacks, bites, or physically injures human beings, domestic animals, or livestock without provocation or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. All attacks and bites must be reported to the City of Reading Health Officer within 48 hours (see Chapter 288, Part 1, Health Code, § 288-109, Animal bite incidents, of the Code of the City of Reading). **[Amended 6-23-2014 by Ord. No. 48-2014]**

WILD FELINES — Wild felines are considered, include, but are not limited to lions, tigers, cougars, leopards, jaguars, mountain lions and nondomesticated cats. **[Added 6-23-2014 by Ord. No. 48-2014]**

§ 141-203. Nuisances.

It shall be unlawful for any person to keep any animal on any property located within the incorporated limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

§ 141-204. Keeping of exotic animals, domestic agricultural animal, or native wildlife animal. [Amended 12-28-2009 by Ord. No. 57-2009]

A. It shall be unlawful for anyone to own, harbor or permit at large any exotic animal, domestic agricultural animal, or native wildlife animal within the City without a permit issued by the Animal Control Board. Such permit shall be given only if it is demonstrated to the satisfaction of the Board that the animal will not constitute a threat to public health or safety.

B. The application for such permit shall be on a form supplied by the City and shall be submitted to the City Clerk's Office along with a fee for the first calendar year in an amount as set by ordinance, as provided in Chapter 212, Fees. The fee shall be disbursed partly to the designated animal control authority and partly to the City to cover the costs of inspections and administration, as provided in Chapter 212, Fees. **[Amended 8-26-2013 by Ord. No. 35-2013]**

C. The fee is levied per household, not per exotic animal.

§ 141-205. Caring for animals. [Amended 5-11-2015 by Ord. No. 22-2015]

A. Pa. Code Animal Regulations; see 18 Pa.C.S.A. § 5511.

B. The City's Animal Control Agent shall have the authority to announce/call a Code Blue, relating to extreme cold, or Code Red, relating to extreme heat, requiring the owners of dogs to protect the unattended dog from the extreme heat or cold by bringing the dog into

the place where the owner or person who has custody, control or possession of the dog resides.

(1) A Code Blue may be called by the Animal Control Agent when the National Weather Service (NWS) predicts a wind chill temperature of 20° F. or below or precipitation with temperatures below 32° F.

(2) A Code Red may be called by the Animal Control Agent when the National Weather Service (NWS) predicts an extended weather forecast that includes at least three consecutive days of 95° F. or above temperatures.

(3) The Animal Control Agent shall announce the declaration of the Code Blue or Code Red on its website, to all local media outlets, and to the social media outlets it regularly uses to communicate with the public. A minimum of eight hours' notice shall be provided to Reading residents.

(4) In addition to the requirements of the Pa. Code animal regulations as per Subsection A herein, any person who owns or has possession, custody or control of a dog shall not allow the animal to remain unattended outdoors (except for brief walks and brief periods of exercise) whenever a Code Blue or Code Red weather emergency has been declared by the City's Animal Control Agent.

(5) If the City's Animal Control Agent finds that any person who owns or has possession, custody or control of a dog has not complied with the regulations herein, the City's Animal Control Agent shall have the ability to impound the dog, as per § 141-215, Impoundment, Part 6.[1]

(6) Upon impoundment, the City's Animal Control Agent shall follow the procedures in § 141-216, Notice to owner and redemption.

(7) Any person in violation of this Part shall be subject to the provisions of § 141-222, Violations and penalties, herein.

§ 141-206. Sanitation. [Amended 12-28-2009 by Ord. No. 57-2009]

A. All persons shall be responsible for the sanitary maintenance of the premises on which any animals are harbored, housed, maintained or kenneled. **[Amended 6-23-2014 by Ord. No. 48-2014]**

B. Animal shelters, or areas in which animals are maintained, shall be permitted only as approved by the City Zoning Department. Animal shelters shall not be constructed or located in such a manner that it creates a health hazard or nuisance to the adjoining property owners. **[Amended 6-23-2014 by Ord. No. 48-2014]**

C. People owning, harboring or keeping an animal within the City shall not permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

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1. Editor's Note: See § 141-215A(6).

D. Excess animal food shall not be allowed to accumulate in such a manner as to create a food source for bacteria, insects or rodents.

E. No person shall maintain, transport or carry any animal or pet into any eating and drinking establishment, food manufacturing or food service facility, except trained, certified service dogs. **[Amended 6-23-2014 by Ord. No. 48-2014]**

F. Owners of leashed or unleashed animals shall be responsible for the removal and disposal of fecal matter deposited by his animal anywhere within the City.

§ 141-207. Restraining and confinement generally.

A. It shall be unlawful for the owner of any dangerous dog and/or aggressive dog to fail to keep such dangerous dog and/or aggressive dog under restraint or to permit such dangerous dog and/or aggressive dog to run at large upon the streets and public ways of the City.

B. Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

C. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

D. Every female dog in heat shall be confined to the residence of the owner or keeper in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

§ 141-208. Restraint of guard dogs.

A. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least six feet in height and shall be topped with an anticlimbing device constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them.

B. All anticlimbing devices shall extend inward at an angle of not less than 45° nor more than 90° when measured from the perpendicular.

C. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences property maintained and escape proof.

D. The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies.

§ 141-209. Restraining of dangerous dogs, aggressive dogs and vicious dogs. [Amended 12-28-2009 by Ord. No. 57-2009; 6-23-2014 by Ord. No. 48-2014]

Every dangerous, vicious or aggressive dog shall be confined by its owner or authorized agent of its owner to the residence of the owner or keeper in accordance with Pennsylvania [P.S.] Title 3, Agriculture, Chapter 8, Dog Law 3 P.S. § 459-502. Such residence shall be conspicuously posted with a placard provided by the issuing office. Whenever off the premises of its owner, the dog shall be securely muzzled and restrained with a chain having a minimal tensile strength of

300 pounds and not more than three feet in length or caged. Every person harboring a dangerous, vicious, or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

A. Upon licensing an aggressive, vicious or dangerous dog, the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is an aggressive, dangerous, or vicious dog on the premises. The sign shall be visible and legible from the sidewalk and street.

B. If the animal is kept outdoors, the owner shall properly confine the dog in a pen or structure with secure sides and a secure top. The pen shall be no less than six feet high and contain no less than 50 square feet of ground space. All pens shall comply with City zoning guidelines so as not to be offensive to the neighboring residents.

C. Every person harboring a dangerous, vicious or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

D. No person owning or harboring a dangerous, aggressive or vicious dog shall permit such dog to go beyond the confined area of such person's premises unless the dog is securely leashed and muzzled. The leash shall not be longer than three feet. Retractable or flexi-leads are not allowed. The leash shall be controlled by an adult or by a person physically capable of controlling the dog.

E. Once a dog is deemed to be dangerous, it shall be neutered or spayed so as not to propagate vicious characteristics inherent in the progeny of the dangerous dog.

§ 141-210. Property owners may impound. [Amended 6-23-2014 by Ord. No. 48-2014]

Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Animal Control Officer. The property owner shall provide a description of the animal and the name of the owner if known. The City shall dispatch an animal control officer to take possession of the animal.

§ 141-211. Return of animal to owner.

If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the Animal Control Officer shall make attempts to notify the owner.

§ 141-212. Disposition of large animals.

Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the City to accept such animals. The disposition of any animal moved to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter. The City and Animal Shelter are authorized, under the terms of this Part, to bill the owner of the animal for any charges incurred.

§ 141-213. Limited number of animals allowed without registration. [Added 6-23-2014 by Ord. No. 48-2014[2]]

A. It shall be unlawful in any dwelling unit for a person to harbor, house, own, or possess more than six cats, or six dogs, or a combination of six such animals, over the age of three months without successful registration to the City, or designated animal control agent. Registration is free and shall include the name and address of the applicant and description of the animal(s). Registration approval shall be conditioned upon a showing that the animal(s) has been vaccinated, including rabies, and can adequately be maintained in sanitary conditions as determined by the City Animal Control Officer.

B. Upon successful registration, a City of Reading license shall be issued to the applicant, which shall bear an identifying number for the animal(s) and the date of issuance. Unless revoked for violation of this Part, the license shall be valid for a period up to three years, or for the duration that the animal's rabies vaccination is effective.

C. This Part applies only to persons with more than six animals in their residentially zoned dwelling unit. This Part shall not apply to licensed kennels, pet shops, animal grooming shops, veterinary shelters or hospitals, and shall not be construed to exclude persons from other applicable animal control requirements.

§ 141-214. Dangerous dog and/or aggressive dog permits. [Amended 12-28-2009 by Ord. No. 57-2009]

A. Any person owning a dangerous or aggressive dog must register the dog with the animal control agency contracted by the City of Reading to enforce the provisions of this Part and pay a fee for such registration to the designated Animal Control Authority, as set by ordinance and provided in Chapter 212, Fees. The owner must provide proof at the time of registration that:

(1) The homeowner's insurance policy for the residence in which the dangerous or aggressive dog is housed contains a rider or a liability clause for dangerous or aggressive dogs. **[Amended 6-23-2014 by Ord. No. 48-2014]**

(2) The dog's rabies vaccination status is current.

(3) The dog is licensed for the current year.

(4) The dog is microchipped with a permanent ID.

(5) Every dog for which the owner is required to obtain a permit must wear a valid permit tag at all times when the animal is off the premises of its owner. The permit tag shall be issued the Animal Control Authority and be made of highly visible material with the words "dangerous dog" prominently displayed upon it.

B. Appeal procedure. Within 14 days of the date of the notice of the police or animal control officer's decision that a dog is dangerous or aggressive, the owner of the dog may appeal the decision to the Animal Control Board. The owner of the dog shall send notice of his/her intent to appeal by certified mail to the Animal Control Board, with copies to the Chief of Police and City Clerk. If such an appeal is filed, a hearing shall be commenced within

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2. Editor's Note: This ordinance also redesignated former §§ 141-213 through 141-221 as §§ 141-214 through 141-222, respectively.

three weeks of its filing. Within five days of the close of the appeal hearing, the Animal Control Board shall determine whether to uphold or reverse the decision of the police or health officer.

§ 141-215. Impoundment. [Amended 12-28-2009 by Ord. No. 57-2009]

A. In addition to any other remedies provided in this Part, an Animal Control Officer or a police officer may seize, impound and humanely confine any of the following animals in accordance with Pennsylvania [P.S.] Title 3, Agriculture, Chapter 8, Dog Law, [3 P.S. § 459-101 et seq.]:

(1) Any dog without a valid permit tag or license.

(2) Any animal at large.

(3) Any animal constituting a public nuisance or considered a danger to the public.

(4) Any animal that is in violation of any quarantine or confinement order of a Health Officer.

(5) Any unattended animal that is ill, injured or otherwise in need of care.

(6) Any animal that is reasonably believed to have been abused or neglected.

(7) Any animal that is reasonably suspected of having rabies.

(8) Any animal that is charged with dangerous, vicious, aggressive activity or displays aggressive behavior where an Animal Control Officer, the Animal Control Board, or the Mayor determines that there is a threat to public health and safety. **[Amended 6-23-2014 by Ord. No. 48-2014]**

(9) Any animal that a court of competent jurisdiction has ordered impounded or destroyed.

(10) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

(11) Any exotic animal, domestic agricultural animal, or native wildlife animal without a valid permit.

B. An Animal Control Officer or Police Officer may, in lieu of impoundment, issue to the owner a citation. **[Amended 6-23-2014 by Ord. No. 48-2014]**

§ 141-216. Notice to owner and redemption. [Amended 12-28-2009 by Ord. No. 57-2009]

A. Upon impoundment of an animal, the designated Animal Control Authority shall immediately attempt to notify the owner by telephone or certified mail. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

B. An owner reclaiming an impounded animal shall pay a fee for each day the animal has been impounded, in an amount set by ordinance and provided in Chapter 212, Fees. The daily rate charged for any subsequent impoundment occurring within 12 months shall be

double that which was charged for each day of confinement during the first impoundment. **[Amended 8-26-2013 by Ord. No. 35-2013]**

C. Any animal not reclaimed by its owner within 48 hours shall become the property of the City Animal Control Agency and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the designated animal control authority. **[Amended 6-23-2014 by Ord. No. 48-2014]**

D. Any dangerous, vicious or aggressive dog impounded shall not be redeemed by the owner or adopted by any other person until all applicable permit fees imposed by this Part shall be paid and proof thereof shall be presented to the designated animal control authority. **[Amended 6-23-2014 by Ord. No. 48-2014]**

§ 141-217. Animal Control Board established. [Amended 5-22-2006 by Ord. No. 42-2006; 12-28-2009 by Ord. No. 57-2009]

A. There is hereby established a City Animal Control Board.

B. The Mayor shall appoint seven members subject to confirmation by City Council. **[Amended 2-27-2012 by Ord. No. 16-2012]**

(1) Four members shall be appointed as representatives of the community at large.

(2) Two members shall be appointed representatives of animal humane societies and animal shelters.

(3) One member shall be appointed as a representative of private veterinarians or veterinary hospitals.

C. The term of each member shall be three years, or until a successor takes office.

§ 141-218. Animal Control Board; powers and duties. [Amended 12-28-2009 by Ord. No. 57-2009]

A. The Animal Control Board is authorized to prepare written rules and regulations to govern its operations and conduct hearings before it. The rules and regulations shall become effective upon the approval, by resolution, of City Council. Three copies of the Board's rules and regulations shall be available for inspection by the public in the Office of the City Clerk. **[Amended 6-23-2014 by Ord. No. 48-2014]**

B. The Board shall also have the authority to do the following:

(1) Receive requests for permission to own exotic animals, domestic agricultural animals, and native wildlife animals; conduct an investigation it deems proper and hold hearings in conjunction with such investigation. The Board may grant, in writing, special permission for the keeping of exotic animals, domestic agricultural animals, and native wildlife animals and impose any condition on such permission that it deems necessary to protect the animal, owner, and the general public.

(2) Make determinations of vicious and aggressive dogs as defined under § 141-202, Definitions. **[Amended 6-23-2014 by Ord. No. 48-2014]**

C. The Board shall meet at the call of the Chairperson to take the following actions: **[Amended 6-23-2014 by Ord. No. 48-2014]**

(1) Recommend to City Council changes in the law regarding the control of animals.

D. Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. **[Amended 9-27-2010 by Ord. No. 73-2010]**

§ 141-219. Sanctions and remedies. [Amended 12-28-2009 by Ord. No. 57-2009]

A. Obedience training for the animal(s) in question.

B. Muzzling of an animal while off the property of the owner.

C. Confinement of an animal indoors.

D. Confinement of an animal in a secure enclosure.

E. Reduction of the number of animals kept at any one location.

F. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty.

G. The sterilization of an animal.

H. A ban on maintaining other animals in the City.

I. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.

J. Any fees previously paid are nonrefundable. **[Amended 6-23-2014 by Ord. No. 48-2014]**

§ 141-220. Appeals. [Amended 12-28-2009 by Ord. No. 57-2009]

Any person aggrieved by any decision of an Animal Control Board may appeal the same to the Berks County Court of Common Pleas.

§ 141-221. Enforcement. [Amended 12-28-2009 by Ord. No. 57-2009; 6-23-2014 by Ord. No. 48-2014]

Animal control officers or other designees of the Mayor shall be the enforcement officials for this Part. These officials, along with police officers, shall have the authority to act on behalf of the City and the Animal Control Agency in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions

of this Part. It shall be a violation of this Part to interfere with any animal control officer or other enforcement official in the performance of their duties.

§ 141-222. Violations and penalties. [Amended 12-28-2009 by Ord. No. 57-2009]

A. It shall be violation of the Part to:

(1) Fail to comply with any provision of this Part.

(2) Fail to comply with any lawful order of the Animal Control Board, an Animal Control Officer, City official, or police officer unless such order is lawfully stayed or reversed. **[Amended 6-23-2014 by Ord. No. 48-2014]**

B. Any person who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than $100 nor more than $1,000 plus costs; and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

C. Notwithstanding any other penalties imposed by this section of this Part, any person who violates any provision of this Part and said violation involves a dangerous dog or aggressive dog (as defined in § 141-202, Definitions), shall be subject to a minimum fine of $500 to a maximum of $1,000 plus costs and other fees and penalties included within the terms of this Part and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

D. All fines collected shall be forwarded to the designated Animal Control Authority to cover administrative expenses.

Chapter 166

CABLE TELEVISION

§ 166-101. Intent.
§ 166-102. Short title.
§ 166-103. Definitions.
§ 166-104. Grant of franchise.
§ 166-105. Regulation of franchise.
§ 166-106. General financial and insurance provisions.
§ 166-107. Reports.
§ 166-108. Franchise violations.
§ 166-109. Operation and maintenance.
§ 166-110. Design and construction provisions.
§ 166-111. Service provisions.
§ 166-112. Rights reserved to grantor.
§ 166-113. Rights reserved to grantee.
§ 166-114. Miscellaneous provisions.

[HISTORY: Adopted by the City Council of the City of Reading 12-24-1985 by Ord. No. 101-1985 (Ch. 13, Part 14, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 508.

Zoning — See Ch. 600.

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§ 166-101. Intent.

The City of Reading finds that the development of cable television and communications systems has the potential of having great benefit and impact upon the people of the City of Reading. It is the intent of this chapter to establish regulatory powers to be vested in the City, consistent with the Cable Communications Policy Act of 1984, to regulate cable to the extent necessary to achieve the purpose of the Act, protect the public safety, health and welfare of the citizens of Reading. Such regulation shall not exceed that permitted by the Cable Communications Policy Act of 1984 and federal and state law. The City recognizes that the grantee is engaged in the business of cable broadcasting, which business involves the free expression of ideas and thoughts and has been recognized by substantial existing case law to be protected by the Pennsylvania and United States Constitutions.

§ 166-102. Short title.

This chapter shall be known and may be cited as the "City of Reading Cable Television Ordinance."

§ 166-103. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

ACCESS CHANNEL — Any program or signal channel available for nonprofit, noncommercial use by government agencies, educational institutions, community groups, or individual members of the public.

ACCESS CHANNEL MANAGER — Any entity designated by the grantor to manager the community access channels facilities and resources defined herein.

ACT — The Cable Communication Policy Act of 1984, as amended from time to time.

BASIC CABLE SERVICE — Shall be defined by the Act and any amendments thereto.

BROADCAST SIGNAL — A television or radio signal that is broadcast over the air and is received by a cable communications system off-the-air or by microwave or satellite link.

CABLECAST FACILITY — A facility used to originate cable programming and distribute programming to subscribers.

CABLECAST SIGNAL — A communication signal that originates within the facilities of the cable communications system.

CABLE COMMUNICATIONS SYSTEM — A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community.

CABLE SERVICE — The one-way or two-way transmission of video programming or other communication services.

CHANNEL — A six-Megahertz (MHZ) frequency band, which is capable of carrying either one standard video signal, a number of audio, digital or other nonvideo signals, or some combination of such signals.

CITY or GRANTOR — The City of Reading, as it is presently, and may be in the future, constituted.

CLOSED-CIRCUIT OR INSTITUTIONAL SERVICE — Such video, audio, data and other services provided to institutional users on an individual application, private channel basis. These may include, but not be limited to, two-way video, audio or digital signals among institutions, or from institutions to residential subscribers.

COMMUNITY ACCESS CHANNEL or COMMUNITY CHANNEL — The access channels operated and controlled by the access channel manager for public, educational and government purposes. It does not include programs or the signal channel designated as the local origination channels.

CONNECTION CHARGE or INSTALLATION CHARGE — Any nonrecurring charge for connecting a subscriber to the cable television system, or to a particular service.

COUNCIL — The City Council, the governing body of the City of Reading.

EDUCATIONAL CHANNEL — Any educational channel where the Reading School District is the designated programmer.

FCC — The Federal Communications Commission and any legally appointed or elected successor.

FRANCHISE — The rights granted pursuant to this chapter to construct and operate a cable communications system along the public ways within the service area. Any such authorizations, in whatever form granted, shall not mean and include any license or permit required for

the privilege of transacting and carrying on a business within the City as required by other ordinances and laws of this City.

FRANCHISE AGREEMENT — The ordinance and the grantee's final proposal to be submitted by the grantee and negotiated and accepted by both the grantor and grantee.

FRANCHISE FEE — The charges imposed as consideration for the granting of a franchise and the continuing use of the public streets and rights-of-way.

GOVERNMENT CHANNEL or GOVERNMENT ACCESS CHANNEL — Any community access channel where the City of Reading is the only designated programmer.

GRANTEE — Any person, corporation or other business entity receiving a franchise pursuant to this chapter and its lawful successor, transferee or assignee.

GRANTOR — The City of Reading as represented by the City Council or its delegate acting within the scope of its jurisdiction.

GROSS REVENUE — All revenue, as determined in accordance with generally accepted accounting principles, which is received, directly or indirectly, by the grantee and by each affiliated person from or in connection with the distribution of any service over the cable communications system. Gross revenue shall not include:

A. The revenue of any person, including, without limitation, a supplier of programming to the grantee, to the extent that said revenue is also included in gross revenue of the grantee;

B. The revenue of the grantee or any other person which is received directly from the sale of any merchandise through any service distributed over the cable system;

C. Taxes imposed by law on subscribers which the grantee is obligated to collect;

D. Amounts collected by the grantee from subscribers on behalf of leased or access channel programmers, other than affiliated persons, to the extent that said amounts are passed on by the grantee to said programmers;

E. The revenue of any affiliated person which represents standard and reasonable amounts paid by the grantee to said affiliated person for ordinary and necessary business expenses of the grantee, including, without limitation, professional service fees and insurance or bond premiums;

F. Any investment income earned by the grantee;

G. That portion of the fee paid by the grantee to an affiliated person for any service which exceeds the revenue of the grantee from said service; or

H. Any revenues, including subscription fees and advertising receipts, received by the grantee or any affiliated person in connection with the sale within the City of any cable programming magazine, provided that the grantee or an affiliated person provides to all subscribers, without charge, a written listing of all services distributed over the cable system.

INSTITUTIONAL NETWORK or INSTITUTIONAL LOOP — A closed-circuit portion of the cable communication system designed to provide communication services to institutional network users authorized by the franchise agreement or by the grantee.

LEASED CHANNEL or LEASED ACCESS CHANNEL — Any channel available for lease and programming by persons or entities other than the grantee.

LOCAL ORIGINATION CHANNEL — Any channel where the grantee is the only designated programmer and provides local programs to subscribers.

PERSON — An individual, partnership, association, organization, corporation or any lawful successor, transferee or assignee of said individual, partnership, association, organization or corporation.

PROGRAMMER — Any person or entity who or which produces or otherwise provides program material or information for transmission by video, audio, digital, or other signals, either live or from recorded tapes or other storage media, to subscribers, by means of the cable communications system.

PUBLIC CHANNEL or PUBLIC ACCESS CHANNEL — The community access channel available to the public at no charge.

RESIDENT — Any person residing in the City as otherwise defined by applicable law.

SECTION — Any section, subsection, or provision of this chapter.

SERVICE AREA or FRANCHISE TERRITORY — The areas within the boundaries of the City of Reading.

STATE — The State of Pennsylvania.

STREET — Includes each of the following which have been dedicated to the public or hereafter dedicated to the public and maintained under public authority or by others and located within the City limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, right-of-way and similar public ways and extensions and additions thereto, together with such other public property and areas that the City shall permit to be included within the definition of street from time to time.

SUBSCRIBER — Any person, firm, corporation, or other entity who is authorized to receive a service provided by the grantee by means of or in connection with the cable communications system.

YEAR — A full calendar year.

§ 166-104. Grant of franchise.

A. Grant.

(1) In the event that grantor shall grant to a grantee a nonexclusive franchise to construct, operate, maintain, and reconstruct a cable communications system within the City, said franchise shall constitute both a right and an obligation to provide the services of a cable communications system as required by the provisions of this chapter and any franchise agreement. The franchise agreement or grant ordinance shall include those provisions of the grantee's application for franchise that are finally negotiated and accepted by the grantor and grantee. While the City reserves the right to grant a similar franchise to additional cable communication systems within the franchise territory at any time, in the event that a franchise is granted with terms that the grantee reasonably deems more favorable than those set out in its franchise agreement with the grantor, the terms in grantee's franchise agreement shall be automatically modified to include the more favorable provisions, grantee shall notify grantor of such

modification within 10 days. If grantor does not agree that the subject terms are more favorable than those set out in the grantee's franchise agreement, the grantor may ask the grantee to justify grantee's modification.

(2) Any franchise granted is hereby made subject to the general ordinance provisions now in effect or hereafter made effective. Nothing in the franchise shall be deemed to waive the requirements of the various codes and ordinances of the City regarding permits, fees to be paid or manner of construction.

B. Use of public streets and ways. For the purpose of operating and maintaining a cable communications system in the City, the grantee may erect, install, construct, repair, replace, reconstruct, and remain in, on, over, under, upon, across, and along the public streets and ways within the City such wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, attachments, and other property and equipment as are necessary and appurtenant to the operation of the cable communications system and in accordance with Chapter 600, Zoning.

C. Duration. The term of any franchise and all rights, privileges, obligations and restrictions pertaining thereto shall be as specified in the franchise agreement. The effective date of the franchise shall be 30 days after acceptance and adoption of the franchise proposal through ordinance or resolution by Council. The grantee must file by the effective date in the office of the City Clerk, a written acceptance of the franchise, or the franchise shall be null and void.

D. Transfer of ownership or control.

(1) Transfer of franchise. Any franchise granted hereunder shall be a privilege to be held for the benefit of the public. Said franchise cannot in any event be sold, transferred, leased, assigned or disposed of, including but not limited to by forced or voluntary sale, merger, consolidation, or receivership, without the prior consent of the grantor, and then only under such conditions as the grantor may reasonably establish. Such prior consent shall not be unreasonably withheld. Prior consent shall not be necessary unless the sale, transfer, lease or assignment results in a change of management or actual working control of the cable system. If any transfer of the franchise occurs without the prior consent of the grantor, the franchise may, at grantor's sole option, be terminated in accordance with § 166-108B.

(2) Ownership or control. The grantee shall promptly notify the grantor of any pending change in, or transfer of, or acquisition by any other party of, control of the grantee. The word "control" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons of 10% of the voting shares of the grantee. Every change, transfer, or acquisition of control of the grantee shall make the franchise subject to cancellation unless and until the grantor shall have consented thereto, which consent shall not be unreasonably withheld. For the purpose of determining whether it shall consent to such change, transfer or acquisition control, the grantor may inquire into the qualification of the prospective controlling party, and the grantee shall assist the grantor in any such inquiry.

(3) In seeking the grantor's consent to any change in ownership or control, the grantee shall have the responsibility:

(a) To show to the satisfaction of the grantor whether the proposed purchaser, transferee, or assignee (the proposed transferee), which in the case of a corporation, shall include all officers, directors, employees and all persons having a legal or equitable interest in 5% or more of its voting stock, or any of the proposed transferee's principals:

[1] Has ever been convicted or held liable for acts involving moral turpitude (including, but not limited to any federal or state agency, or violation of any tax or securities law), or is presently under an indictment, investigation or complaint charging such acts.

[2] Has ever had a judgment in an action for fraud, deceit or misrepresentation entered against it, her, him, or them by any court of competent jurisdiction.

[3] Has pending any legal claim, lawsuit or administrative proceeding arising out of or involving a cable system.

[4] Has ever filed or been declared bankrupt, or been associated with any cable company that has filed or been declared bankrupt.

(b) To establish, to the satisfaction of the grantor, the financial solvency of the proposed transferee by submitting all current financial data for the proposed transferee which the grantor was required to submit in its franchise application, and such other data as the grantor may request. Financial statements shall be audited, certified and qualified by an independent certified public accountant.

(c) To establish to the satisfaction of the grantor that the financial standing of the proposed transferee is such as shall enable it to maintain and operate the cable system for the remaining term of the franchise.

(d) To provide grantor with a list of municipalities currently served or which have been served in the past, with cable service by the proposed transferee.

(4) The grantee shall require that any financial institution or person having a pledge of the franchise or its assets for the advancement of money for the construction and/or operation of the franchise shall, as a material condition of such advance of money, assume the duty to reasonably notify the grantor that it or its designee, satisfactory to the grantor, intends to take control and operate the cable television system. Further, said financial institution or person shall also agree to submit a plan for such operation that will insure continued service and compliance with all franchise obligations during the term the financial institution or person exercises control over the system. Such financial institution or person shall not exercise control over the system for a period exceeding one year unless extended by the grantor. In its discretion and during said period of time, it shall have the right to petition the grantor to transfer franchise to another grantee. If the grantor finds that the legal, financial, character, technical and other public interest qualities of the applicant are satisfactory, the grantor may transfer and assign the rights and obligations of such franchise as in the public interest. The consent of the grantor to such transfer shall not be unreasonably withheld.

(5) The consent or approval of the grantor to any transfer of the grantee shall not constitute a waiver or release of the rights of the grantor in and to the streets, and any

transfer shall by its terms, be expressly subordinate to the terms and conditions of this franchise.

(6) In no event shall a transfer of ownership or control be approved without successor in interest becoming a signatory to the franchise agreement.

E. Police powers.

(1) In accepting this franchise, the grantee acknowledges that its rights hereunder are subject to the police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and Parts enacted by the City pursuant to such power.

(2) Any conflict between the provisions of this franchise and any other present or future lawful exercise of the grantor's police powers shall be resolved in favor of the latter, except that any such exercise that is not of general application in the jurisdiction or applies exclusively to grantee or cable communications systems which contains provisions inconsistent with this franchise shall prevail only if, upon such exercise, an emergency exists constituting a danger to health, safety, property or general welfare or such exercise is mandated by law.

F. Franchise fee.

(1) Annual franchise payment. A grantee of a franchise hereunder shall pay to the grantor an annual fee of 5% of the annual gross revenues. In the event of a dispute, the grantor, if it so requests, shall be furnished a statement of said payment, audited and qualified by an independent certified public accountant, reflecting the total amounts of annual gross revenues and the computations for the period covered by the payment. In the event of a material discrepancy between the grantee's payment and the amount determined by the CPA to be due, the cost of this audited statement shall be borne by the grantee. Absent such material discrepancy, the cost of this audited statement shall be borne by the grantor.

(2) Acceptance by grantor. Acceptance of any payment toward the franchise fee by the grantor shall not waive the grantor's right to seek additional sums payable under the franchise agreement.

(3) Failure to make required payment. In the event that any franchise payment or recomputed amount is not made on or before the dates specified herein, grantee shall pay liquidated damage as specified in § 166-108, Franchise violations.

(4) Payments due the grantor under this subsection shall be computed quarterly, for the preceding quarter, as of March 31, June 30, September 30 and December 31. Each quarterly payment shall be due and payable no later than 30 days after the dates listed in the previous sentence. Each payment shall be accompanied by a brief report showing the basis for the computation and such other relevant facts as may be required by the grantor.

G. Forfeiture or revocation. The grantor reserves the right to revoke any franchise granted hereunder and rescind all rights and privileges associated with the franchise in the following circumstances, each of which shall represent a default and breach under this chapter and the franchise grant:

(1) Acts justifying revocation.

(a) If the grantee should default in the performance of any of its material obligations under the franchise agreement.

(b) If the grantee's quality of service and response to subscriber complaints has demonstrated a continuing, willful pattern of inadequacy, which has not been corrected by the grantee within a reasonable period of time after due notice by grantor.

(c) If the grantee should fail to provide or maintain in full force and effect, the liability and indemnification coverage or the construction performance bond as required herein.

(d) If the grantee should materially violate any orders or rulings of any regulatory body having jurisdiction over the grantee relative to this franchise unless said order or ruling is subject to appeal and the grantee evidences its good faith intent to seek such appeal.

(e) If the grantee practices any fraud or deceit upon the grantor.

(f) The grantee's construction schedule is delayed for more than six months later than the schedule contained in the franchise agreement without reasonable cause and for reasons within the grantee's control.

(g) The grantee is adjudged bankrupt.

(2) Procedure prior to revocation.

(a) The grantor shall make written demand that the grantee do so comply with any such requirement, limitation, term, condition, rule or regulation or correct any action deemed cause for revocation. If the failure, refusal or neglect of the grantee continues for a period of 30 days following such written demand, the grantor may place its request for termination of the franchise upon a regular Council meeting agenda. The grantor shall cause a written notice to be served upon such grantee, and shall publish notice thereof at least 10 days before such meeting in a newspaper of general circulation within the City.

(b) The Council shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by the grantee was with just cause.

(c) If such failure, refusal or neglect by the grantee was with just cause, the Council shall direct the grantee to comply within such time and manner and upon such terms and conditions as are reasonable.

(d) If the Council shall determine such failure, refusal or neglect by the grantee was without just cause, then the Council may, by resolution, declare that the franchise of such grantee shall be terminated and bond forfeited unless there be compliance by the grantee within such reasonable period as the Council may fix.

(e) In addition to this section, the grantee shall not be precluded from seeking due process under any other procedures set forth in the franchise agreement.

H. Requirements of post-termination.

(1) Disposition of facilities. In the event a franchise expires, is finally revoked or otherwise mutually terminated, the grantor may order the removal of the aerial plant and exposed apertures facilities from the City within six months from the end of the franchise agreement.

(2) Restoration of property. In removing its aerial plant and apertures, the grantee shall leave all public ways and places in as good condition as that prevailing prior to the grantee's removal. The liability, indemnity and insurance as provided herein and the construction performance and payment bonds provided therein shall continue in full force and effect during the period of removal and until full compliance by the grantee with the terms and conditions of this subsection and this chapter.

I. Receivership and foreclosure.

(1) The franchise herein granted shall, at the option of the grantor, cease and terminate 120 days after the appointment of a receiver or receivers or trustee or trustees to take over and conduct the business of the grantee whether in a receivership, a reorganization, bankruptcy or other action or proceeding unless such receivership or trusteeship shall have been vacated prior to the expiration of said 120 days, or unless:

(a) Such receivers or trustees shall have, within 120 days after their election or appointment, fully complied with all the terms and provisions of this chapter and the franchise granted pursuant hereto, and the receivers or trustees within said 120 days shall have remedied all defaults under the franchise.

(b) Such receivers or trustees shall, within said 120 days, execute an agreement duly approved by the Court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise herein granted.

(2) In the case of a foreclosure or other judicial sale of the plant, property and equipment of the grantee, or any part thereof, including or excluding this franchise, the grantor may serve notice of termination upon the grantee and the successful bidder at such sale, in which event the franchise herein granted and all rights and privileges of the grantee hereunder shall cease and terminate 30 days after service of such notice, unless:

(a) The grantor shall have approved the transfer of this franchise, as in the manner provided in this chapter.

(b) Such successful bidder shall have covenanted and agreed with the grantor to assume and be bound by all the terms and conditions of this franchise.

J. Franchise required. No cable communications system shall be allowed to occupy or use the streets of the City or be allowed to operate without a franchise in accordance with the provisions of this chapter.

§ 166-105. Regulation of franchise.

A. Regulatory authority. The grantor shall exercise appropriate regulatory authority under the provisions of this chapter and applicable law.

B. Regulatory responsibility. The grantor may exercise or delegate the following regulatory responsibility:

(1) Administering and enforcing the provisions of the cable communications system franchise.

(2) Coordination of the operation of facilities and community access channels provided for in any franchise agreements.

(3) Providing for technical, programming and operational support to public agency users, such as City departments, school and health care institutions.

(4) Establishing procedures and standards for public and government institutional operations and services, use of community access channels, and sharing of public facilities.

(5) Planning expansion and growth of public and government cable services.

(6) Analyzing the possibility of integrating public and government cable communications with other City, state, or regional telecommunications networks.

C. Public usage of the system. As specified in § 166-111 of this chapter, the grantor may utilize the community access channel capacity and the institutional network to develop and provide cable services that will be in the public interest. In furtherance of this purpose, the grantor may designate a nonprofit corporation, to receive and allocate facilities, support funds and other considerations provided by the grantee, and/or others. Such a corporation, if designated, may be delegated the following responsibilities:

(1) To set out rules and regulations under which grantee is allowed to use community access channel capacity if such channel capacity is not being used for its designated purpose; and for recapture of such capacity for public use.

(2) Receive, and utilize or reallocate for utilization, channel capacity, facilities, funding and other support provided specifically for public usage of the cable system.

(3) Review the status and progress of each community access channel developed for public benefit.

(4) Reallocate resources on a periodic basis to conform with changing priorities and public needs.

(5) Report to the grantor annually on the utilization of resources, the new public services developed and the benefits achieved for the City and its residents.

D. Reservation by grantor. The grantor reserves the right, at its discretion, from time to time, to determine if the corporation described in Subsection C above is performing its purposes in a manner satisfactory to the grantor, and if it is not, the grantor may receive and reallocate all or a portion of the channel capacity, operating appropriation, and capital appropriation, including any facilities and equipment purchased previously with such appropriations, to another entity. A new entity shall be required to comply in all respects with the legal responsibilities which the corporation has assumed under Subsection C.

E. Rate regulation. Grantor may regulate cable system rates and charges in accordance with this chapter and applicable law, but only to the extent permitted by § 623 of the Act and

regulations of the Federal Communications Commission which are lawfully promulgated thereunder or as otherwise permitted by law.

F. Initial rates. The grantee shall establish initial monthly rates and nonrecurring installation connection charges that shall be applied fairly and uniformly to all subscribers for its services. This provision shall not be deemed to prohibit promotional campaigns or other legitimate activities; nor shall it be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classifications shall be entitled.

G. Schedule of rates. Grantee shall maintain and file with the grantor, a complete schedule of then-current subscriber rates and nonrecurring charges and deposits.

H. Access channel management.

(1) Intent. It is the intent of the grantor to ensure that access and community channels provided for in any franchise agreement shall be managed in the best public interest, so that programming on such channels will be free of censorship, open to all residents, and available for all forms of public expression, community information and debate of public issues. Pursuant to these objectives, the grantor may delegate the responsibility for access channel management to a nonprofit entity, termed the "Access Channel Manager," which may include, but shall not be limited to, any of the following:

(a) An established nonprofit entity with special cablecasting capability.

(b) A nonprofit corporation.

(c) An access management commission or committee, appointed by the grantor, and representing a broad spectrum of the community.

(2) Functions. The Access Channel Manager shall have the following functions:

(a) Responsibility for program production for and management of the community access channel.

(b) Establishment of budgets on an annual basis, and utilization of available funds and resources for the purpose of access programming.

(c) To assure that no censorship or control over program content of the community access channels exists, except as provided by the Act with regard to programming that is obscene or otherwise unprotected by the constitution of the United States, and to assure that the community access channels are made available to all residents of the City.

(d) To devise, establish, and administer all rules, regulations, and procedures pertaining to the use and scheduling of the community access channels.

(e) To prepare, in conjunction with the grantee, such regular or special reports as may be required or desirable.

(f) To hire and supervise staff.

(g) To make all purchases of materials and equipment that may be required.

(h) To develop additional sources of funding, such as foundation or federal or state grants, to further community programming.

(i) To perform such other functions relevant to the community access channel(s) as may be appropriate.

(3) Access Channel Manager reports to grantor. The Access Channel Manager shall provide a report to the grantor, at least annually, indicating achievements in community-based programming and services.

§ 166-106. General financial and insurance provisions.

A. Construction performance bond.

(1) Within 30 days after the granting of any franchise and prior to the commencement of any construction work by the grantee, the grantee shall file with the grantor a construction performance bond in the amount equal to the construction cost specified in the grantee's proposal, in favor of the grantor and any other person who may claim damages as a result of the breach of any duty by the grantee assured by such bond.

(2) Such bond as contemplated herein shall be in the form approved by the City Attorney in accordance with standard municipal bonding practices and shall among other matters cover the cost of removal of any properties installed by the grantee in the event said grantee shall default in the performance of its construction obligation.

(3) In no event shall the amount of said bond be construed to limit the liability of the grantee for damages.

B. Compliance bond.

(1) In addition to the construction performance bond set forth above, the grantee shall, at least 30 days prior to the commencement of operation, file with the grantor a compliance bond in the amount specified in the franchise agreement, in favor of the grantor and including the payments required to be made to the grantor hereunder.

(2) Such bond as contemplated herein shall be in the form approved by the City Solicitor in accordance with standard municipal bonding practices and shall among other matters cover the cost of removal of any properties installed by the grantee in the event said grantee shall default in the performance of its franchise obligation.

(3) In no event shall the amount of said bond be construed to limit the liability of the grantee for damages.

C. Indemnification.

(1) The grantee shall by acceptance of the franchise granted herein indemnify, defend and hold harmless the grantor, its officers, boards, commissions, agents, and employees from any and all claims, suits, judgments for damages in any way arising out of or through or alleged to arise out of or through the acts or omissions of grantee, its servants, employees or agents.

(2) In the event any such claims shall arise, the grantee shall tender the defense thereof to the grantor; provided, however, that the grantor, in its sole discretion, may participate in the defense of such claims at its expense.

(3) As between the grantor and the grantee, the foregoing liability and indemnity obligations of the grantee pursuant to this section shall not apply:

(a) To any services distributed over the municipal channels or the portion of the institutional network available to and used by the grantee to the extent that the grantor has not participated in the production of said services or any other act forming the basis for such claim.

(b) With respect to any negligent or wrongful act or failure to act by the grantor, its officers, employees, or agents.

D. Insurance.

(1) The grantee shall maintain throughout the term of the franchise insurance in amounts at least as follows:

(a) Workers' compensation insurance. In such coverage as may be required by the laws of the Commonwealth of Pennsylvania and any amendments thereto.

(b) Grantee's liability. In the amount specified in the franchise agreement.

(c) Comprehensive general liability. Bodily injury and property damage in the amount specified in the franchise agreement.

(d) Comprehensive automobile liability. Comprehensive automobile liability insurance for damages in the amount specified in the franchise agreement.

(2) The grantee shall furnish the grantor with copies of such insurance policies or certificates of insurance.

(3) Such insurance policies provided for herein shall name the grantor, its officers, boards, commissions, agents, and employees as additional insured and shall contain the following or similar endorsement: "It is hereby understood and agreed that this insurance policy may not be canceled by the surety or the intention not to renew be implemented by the surety until 30 days after receipt by the grantor by registered mail written notice of such intention to cancel or not renew."

(4) The minimum amounts set forth for such insurance shall not be construed to limit the liability of the grantee to the grantor under the franchise issued to the amounts of such insurance.

E. Payment of costs. Within 30 days of notice from the City, the grantee shall reimburse the City for all costs and charges reasonably incidental to the award or renewal of a franchise agreement.

§ 166-107. Reports.

A. Annual reports. Within 60 days after the close of the grantee's fiscal year for the franchise, the grantee shall submit a written annual report setting forth the following information:

(1) A summary of the previous year's (or, in the case of the initial reporting year, the initial year's) activities in development of the cable communication system's services begun or discontinued during the reporting year, and user participation.

(2) A financial revenue statement for franchise fee computation, certified by a certified public accountant.

(3) Report of construction progress in past year and planned construction for next year.

(4) A list of grantee's officers, and members of its board of directors.

(5) A list of stockholders or other equity investors holding 5% or more of the voting interest in the grantee and its parent, subsidiary and affiliated corporations and other entities, if any.

(6) Privacy report. Upon request by the grantor, the grantee shall provide a written report to the grantor outlining the grantee's policies and procedures intended to assure that the privacy rights of its subscribers are protected.

B. Plant survey report. Simultaneously with the annual report required by Subsection A, the grantee shall submit to the grantor an annual plant survey report which shall be a complete survey of the grantee's plant and a full report thereon. Said report shall include, but not be limited to, a description and as-built maps of the portions of the franchise area that have been cabled and have all services available, and an appropriate engineering evaluation including suitable electronic measurements conducted in conformity with such requirements, including supervision, as the grantor may prescribe. Said report shall be in sufficient detail to enable the grantor to ascertain that the service requirements and technical standards of the FCC and/or the franchise are achieved and maintained.

C. Copies of federal and state reports. The grantee shall submit to the grantor copies of all nonconfidential pleadings, applications, reports submitted by the grantee to, as well as copies of all decisions, correspondence and actions by federal, state and local courts, regulatory agencies and other government bodies specifically regarding grantee's cable television operations within the franchise area. The grantee shall submit such documents to the grantor with its submission to such courts, agencies and bodies; and within five days after its receipt from such courts, agencies and bodies. In the event that the Grantee claims confidentiality, a copy of the appropriate confidentiality agreement will be submitted to the grantor. In the event that the grantee submits information designated by the grantee as confidential to the grantor, said information shall be retained in confidence by the grantor and its authorized agents and shall not be made available for public inspection.

D. Public reports. A copy of each of grantee's annual and other periodic public reports and those of its subsidiary and affiliated corporations shall as the grantor may reasonably request, and is reasonably appropriate, be submitted to the grantor within 60 days.

E. Complaint file and reports. Grantee shall keep a record of all unresolved billing/payment disputes and maintenance service logs. To the extent permitted by law, grantor, upon reasonable notice, may review said records and log during normal business hours. Grantee further agrees to report the disposition of complaints forwarded to it by the grantor.

F. Miscellaneous reports. The grantee shall submit to the grantor such other information or reports in such forms and at such times as the grantor may reasonably request or require

where such information or reports are necessary for the purposes permitted under current federal and state law.

G. Inspection of facilities. In order to verify the accuracy of any submitted report, the grantee shall allow the grantor to make reasonable inspections of the grantee's facilities and equipment in the franchise area during normal business hours upon one day's prior notice.

H. Business office and files. The grantee shall maintain an office within the franchise area and shall keep complete and accurate books and records therein. Upon one day's notice, the grantor shall have the right to inspect all books and records where necessary and appropriate under the provisions of the franchise agreement during normal business hours.

I. Failure to report. The refusal or failures by the grantee to file any of the reports required under this section may be deemed a material breach of the franchise, and may subject the grantee to all liquidated damages and remedies, legal or equitable, which are available to the grantor under the franchise agreement or otherwise.

J. False statements. Any materially false or misleading statement or representation made knowingly by the grantee in any report required under the franchise agreement may be deemed a material breach of the franchise and may subject the grantee to all liquidated damages and remedies, legal or equitable, which are available to the grantor under the franchise agreement or otherwise.

K. Cost of reports. All reports and records required under this or any other section shall be furnished at the sole expense of the grantee.

§ 166-108. Franchise violations.

A. Damages for franchise violations. If the grantee fails to perform any obligation under the franchise agreement, or fails to do so in a timely manner, the grantor may require, as liquidated damages, that the following sums may be assessed after full compliance with the procedures detailed in Subsection B:

(1) For failure to adhere to system construction milestones in accordance with the plan included in the franchise agreement, unless the grantor specifically approves the modification due to the occurrence of conditions beyond grantee's control, grantee shall pay $250 per day for each day, or part thereof, that the time schedule is not met.

(2) For failure to provide upon request of the grantor, data, documents, reports or information as specified herein grantee shall pay $250 per day for each day, or part thereof, each violation occurs or continues.

(3) For failure to test, analyze and report on the performance of the system following a request pursuant to the franchise, as specified herein, the grantee shall pay to the grantor $250 per day for each day, or part thereof, that such noncompliance continues.

(4) For failure to comply with operational, performance or maintenance standards as specified herein, grantee shall pay to the grantor $250 per day for each day, or part thereof, that such noncompliance continues.

(5) For failure to provide channels, equipment, and capital funding for access channels as required in the franchise agreement with the grantor, the grantee shall pay $250 per day for each day, or part thereof, that such noncompliance continues.

(6) For failure to pay the franchise fee on time, the grantee shall pay 1% per month of the franchise fee due and owing if payment is late.

(7) No liquidated damages shall be assessed if the violation occurs without fault of the grantee or occurs as a result of circumstances beyond its control. The grantee shall not be excused by mere economic hardship nor by misfeasance or malfeasance of its directors, officers or employees.

(8) Subject to Subsection B, the grantor may terminate the franchise, for any of the causes stated in § 166-104G.

(9) No such liquidated damages shall be imposed by the grantor against grantee for any violation of this franchise without the grantee being afforded the procedures provided for in Subsection B.

B. Procedure for remedying franchise violations. In the event that the grantor determines that the grantee has violated any provision of the franchise agreement, any rule or regulation promulgated pursuant hereto or any applicable federal, state, or local law, the grantor shall make a written demand on the grantee that it remedy such violation. If the violation, breach, failure, refusal, or neglect is not remedied to the satisfaction of the grantor within 30 days following the receipt of such demand, the grantor shall determine whether or not such violation, breach, failure, refusal, or neglect by the grantee was excusable or inexcusable, in accordance with the following procedure, which shall be conducted so as to provide the grantee with notice of the alleged violation and an opportunity to respond:

(1) A televised public hearing shall be held and the grantee shall be provided with an opportunity to be heard upon 30 days' written notice to the grantee of the time and the place of the hearing provided and the allegations of franchise violations. A permanent record of this hearing shall be kept.

(2) If, after notice is given and at the grantee's option, a full public proceeding is held, the grantor determines that such violation, breach, failure, refusal, or neglect by the grantee was excusable as provided in Subsection C below, the grantor shall direct the grantee to correct or remedy the same within such additional time, in such manner and upon such terms and conditions as the grantor may direct.

(3) If, after notice is given and at the grantee's option a full public proceeding is held, the grantor determines that such violation, breach, failure, refusal or neglect was inexcusable, then the grantor may assess a penalty or remedy in accordance with Subsection A above.

(4) If, after notice is given, and at the grantee's option, a full public proceeding is held, the grantor declares the franchise or any renewal thereof breached, the parties may pursue their remedies pursuant to the franchise or any other remedy, legal or equitable.

C. Force majeure; grantee's inability to perform. In the event the grantee's performance of any part of the terms, conditions, obligations, or requirements of the franchise is prevented or impaired due to any cause beyond its reasonable control or not reasonably foreseeable, such inability to perform shall be deemed to be excused and no penalties or sanctions shall be imposed as a result thereof. Such causes beyond the grantee's reasonable control or not reasonably foreseeable shall include, but shall not be limited to, acts of God and civil emergencies.

§ 166-109. Operation and maintenance.

A. Maintenance and complaints.

(1) The grantee's office and technical personnel, or answering services, will receive customer calls 24 hours per day and respond to all customer complaint calls between the hours of 8:00 a.m. and 8:00 p.m. on normal business days. After 8:00 p.m. on any normal business day, trained technicians shall respond to calls if three or more calls are received from the same service area as defined in the franchise agreement. A written log shall be maintained listing all complaints and their disposition, including the time taken to respond to the complaint and to repair the problem.

(2) The grantee shall maintain sufficient phone service to ensure that subscribers' calls will be answered within a reasonable amount of time and no subscriber will be put on hold unnecessarily.

(3) The grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system. A written log shall be maintained for all plant maintenance service interruptions exceeding 30 minutes.

(4) The grantee shall maintain a repair force of technicians capable of responding to subscriber complaints or requests for repair service within 24 hours after receipt of the complaint or request.

(5) The grantee shall furnish each subscriber at the time service is installed, written instructions that clearly set forth procedures, furnish information concerning the procedures for making inquiries or complaints, including the name, address and local telephone number of the service department where complaints or inquiries are to be addressed, and furnish information concerning the City office responsible for administration of the franchise with the address and telephone number of the office when provided by the City.

B. Rights of individuals.

(1) The grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, age or sex. The grantee shall comply at all times with all other applicable federal, state and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this chapter by reference.

(2) The grantee shall strictly adhere to the equal employment opportunity requirements of the Act, § 634, and of the FCC, state and local regulations, as amended from time to time.

C. Protection of subscriber privacy. All rights pursuant to the protection of subscriber privacy shall be governed by § 631 of the Act.

D. Tenant rights.

(1) Interference with cable service prohibited. Neither the owner of any multiple-unit residential dwelling nor his agent or representative shall unreasonably interfere with the right of any tenant or lawful resident thereof to receive cable television service, cable installation or maintenance from a cable television company regulated by and lawfully operating under a valid and existing cable television franchise issued by the City.

(2) Gratuities and payment to permit service prohibited. The owner of any multiple-unit residential dwelling shall be entitled to reasonable compensation for the grantee's occupation of the owner's property. Neither the owner of any multiple-unit residential dwelling nor his agent or representative, however, shall as demand or receive any additional payment, service or gratuity in any form as a condition for permitting or cooperating with the installation of cable communications service to the dwelling unit occupied by a tenant or resident requesting service.

(3) Penalties and charges to tenants for service prohibited. Neither the owner of any multiple-unit residential dwelling nor his agent or representative shall knowingly penalize, charge or surcharge a tenant or resident, or forfeit or threaten to forfeit any right of such tenant or resident, or discriminate in any way against such tenant or resident who requests or receives cable communications service from a grantee operating under a valid and existing cable communication franchise issued by the City.

(4) Protection of property permitted. Nothing in this section shall prohibit a person from requiring that cable television system facilities conform to laws and regulations and reasonable conditions necessary to protect safety, functioning, appearance and value of premises or the convenience and safety of persons or property.

(5) Risks assumed by grantee. Nothing in this section shall prohibit a person from requiring a grantee to agree to indemnify the owner, or his agents or representatives, for damages or from liability for damages caused by the installation, operation, maintenance or removal of cable television facilities.

(6) Relief. In the event that permission to serve tenants of any multiple unit, or single, residential dwelling, is denied by the landlord or his agent or representative, the grantee may petition the grantor for relief from the requirement to provide service to such units and such relief shall not unreasonably be withheld.

E. Grantee rules and regulations. The grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the grantee to exercise its rights and perform its obligations under this franchise, and to assure an uninterrupted service to each and all of its customers. Provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or applicable state and federal laws, rules and regulations.

§ 166-110. Design and construction provisions.

A. System design.

(1) The grantee shall construct, operate, and maintain a cable communications system with a residential subscriber network (Cable A) having a capacity of 54 channels. Said residential subscriber network shall consist of a minimum of single 400 MHz

trunk and feeder cables. The grantee's residential subscriber network shall have bidirectional and addressable capability.

(2) The grantee shall incorporate into its cable communications systems the capability which will permit the grantor, or the highest government body as prescribed by the state, in times of emergency, to override the audio portion of all channels simultaneously, by telephone or other communicating medium to be provided by the grantee.

(a) The grantee shall designate a channel which will be used for emergency broadcasts of both audio and video.

(b) The grantee shall cooperate with the grantor in the use and operation of the emergency alert override system.

(3) The grantee shall construct, install, operate and maintain a separate institutional network (Cable B), in addition to the residential subscriber network.

(a) The institutional network shall be installed with a configuration to accommodate adequate upstream and downstream transmission.

(b) The institutional network's full upstream capabilities shall be activated initially.

(c) The institutional network shall be capable of handling data and facsimile transmissions in such a way as to make it capable of performing as a high-speed digital network.

(d) Features incorporated into the system design shall permit institutions to transmit programming via upstream institutional channels downstream on both institutional network and/or residential subscriber network channels.

(e) The grantee's system shall allow for switching between the residential subscriber network and the separate institutional network and allow for switching between points on the institutional network.

(f) The institutional network will be equipped for switching two simultaneous split-screen teleconferences, each consisting of up to five sites.

(g) The institutional network shall be capable of providing telemetry services for all institutional network users.

(h) Subject to Subsection A(3), when requested to do so by the grantor, grantee shall expand the separate institutional network so that appropriate facilities annexed in the City can be connected to said network.

(i) The institutional network shall have the capability of serving commercial users.

(j) The grantee shall extend the institutional network for a distance not to exceed 500 aerial feet without charge to all noncommercial users specified by the grantor.

(k) Institutional network channels coordinated by the access channel manager shall be available for noncommercial, nonprofit video transmissions on a party line or private line basis for annual, monthly or weekly use.

B. Geographical coverage. The grantee shall design and construct the cable communications system in such a manner as to have the capability to pass by every single-family dwelling unit, multiple-family dwelling unit, agency, and business establishment within the franchise area. Service shall be provided to subscribers in accordance with the schedules and line extension policies specified in the franchise agreement. Cable system construction and provision of service shall be nondiscriminatory, and shall not delay or defer service to any section of the franchise area on the grounds of economic preference.

C. Cablecasting facilities. The grantee shall provide cable communication facilities in accordance with the requirements of the franchise agreement.

D. System construction schedule.

(1) The grantee shall comply with the requirements of the system construction schedule contained in the franchise agreement.

(2) The grantee shall provide a detailed construction plan indicating progress schedule, area construction maps, test plan, and projected dates for offering service. In addition, the grantee shall update this information on a quarterly basis, showing specifically whether schedules are being met and the reasons for any delay.

(3) Failure to begin construction within one year after award of the franchise will be grounds for franchise revocation, at the option of the grantor.

E. Compensation for delay in construction. The grantor may in accordance with Subsection B, apply any of the following in connection with delays in system construction:

(1) Reduction in the duration of the franchise on a month-for-month basis for each month of delay exceeding 60 months.

(2) Forfeiture of the construction performance bond and/or assessment of liquidated damages not to exceed $250 per day, assessed for delays exceeding one year.

(3) Termination of the franchise for delays exceeding 18 months.

F. Provision of service. After service has been established by activating trunk and feeder cables for any area, the grantee shall provide service to any requesting subscriber within that area 30 days from the date of request.

G. Undergrounding of cable. The undergrounding of cables is encouraged. In any event, newly served areas shall be installed underground at grantee's cost where existing power and telephone utilities are already underground, and the grantee utilizes the same public right-of-way. Previously installed aerial cable shall be undergrounded in concert, and on a cost-sharing basis, with other utilities sharing the same pole, when such other utilities may convert from aerial to underground construction. All undergrounding plans shall be subject to prior grantor approval, and the issuance of permits, at designated permit fees. In the event that the grantee is denied access to conduit by said utility, the grantee shall notify the grantor in writing.

H. New development undergrounding. In cases of new construction of property development where power and telephone utilities are to be placed underground, the developer or property owner shall give grantee reasonable notice of such construction or development, and of the particular date on which open trenching will be available for grantee's

installation of conduit, pedestals and/or vaults, and laterals to be provided at grantee's expense. Grantee shall also provide specifications as needed for trenching.

I. Service at multiple-dwelling units. In cases of multiple-dwelling units serviced by aerial utilities, grantee shall make every effort to minimize the number of individual aerial drop cables.

J. Street occupancy.

(1) Grantee shall utilize existing poles, conduits and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities on public property until the written approval of the grantor is obtained. However, no location of any pole or wire-holding structure of the grantee on public property shall be a vested interest and such poles or structures shall be removed or modified by the grantee at its own expense whenever the grantor determines that the public convenience would be enhanced thereby.

(2) Grantee shall notify the grantor at least 10 working days prior to the intention of the grantee to commence any construction in any streets. The grantee in granting any permits required, providing such grant and subsequent construction by the grantee shall not unduly interfere with the use of such streets and that proposed construction shall be done in accordance with the pertinent provisions of the ordinances of the City.

(3) All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times, shall be kept and maintained in a safe, adequate and substantial condition, and in good order and repair. The grantee shall, at all times, employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, flares or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way by the grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.

(4) Grantee shall, at its own expense, and in a manner approved by the Department of Public Works, restore to grantor's reasonable standards and specifications any damage or disturbance caused to the public way as a result of its operations or construction on its behalf.[1]

(5) Whenever, in case of fire or other disaster, it becomes necessary in the judgment of the grantor to remove any of the grantee's facilities, no charge shall be made by the grantee against the grantor for restoration and repair, unless such acts amount to gross negligence by grantor. Grantor shall notify the grantee as soon as possible.

(6) Grantee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the supervision and direction of the grantor and shall restore any damage at grantee's sole cost. Trimming of trees on private property shall require the consent of the property owner.

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1. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(7) The grantee, at his expense, shall protect, support, temporarily disconnect, relocate, or remove any property of grantee when, in the opinion of the grantor, the same is required by reason of traffic conditions, public safety, street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power line, signal line, transportation facilities, tracks, or any other types of structure or improvements by governmental agencies, whether acting in a governmental or a proprietary capacity, or any other structure of public improvement, including but not limited to movement of buildings, urban renewal and redevelopment, and any general program under which the grantor shall undertake to cause all utilities to be located beneath the surface of the ground. The grantee shall in all cases have the privilege, subject to the corresponding obligations, to abandon any property of grantee in place. Nothing hereunder shall be deemed a taking of the property of grantee and grantee shall be entitled to no surcharge by reason of anything hereunder.

(8) Upon failure of grantee to commence, pursue or complete any work required by law or by the provisions of this chapter to be done in any street, within the time prescribed and to the satisfaction of the grantor, the grantor may, at its option, cause such work to be done and the grantee shall pay to the grantor the reasonable cost thereof in the itemized amounts reported by the grantor to grantee within 30 days after receipt of such itemized report.

(9) The grantee shall make no paving cuts or curb cuts unless absolutely necessary, but only after written permission has been given by the grantor. Said permission may not be unreasonably withheld.

(10) The grantee shall install in conduit all cable passing under any major roadway.

K. Construction and technical standards.

(1) Construction standard.

(a) Compliance with safety codes. All construction practices shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970 and any amendments thereto as well as applicable state and local codes.

(b) Compliance with electrical codes. All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with the provisions of the National Electrical Code as adopted by the grantor.

(c) Antennas and towers. Antenna-supporting structures (towers) shall be designed for the proper loading as specified in Electronics Industry Association's specifications.

(d) Compliance with aviation requirements. Antenna-supporting structures (towers) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable state or local codes and regulations as determined by the grantor.

(e) Construction standards and requirements. All of the grantee's plant and equipment, including but not limited to the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable,

coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements the municipality may deem properly to make, or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties.

(f) Safety, nuisance, requirements. The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.

(2) Technical standards. The cable communications system shall meet all technical and performance standards contained in the franchise agreement.

(3) Test and compliance procedure. The grantee shall submit, for inclusion in the franchise agreement, a detailed test plan describing the methods and schedules for testing the cable communications system on an ongoing basis to determine compliance with the provisions of FCC technical standards and the franchise agreement.

(4) Special tests. At any time after commencement of service to subscribers the grantor may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber's terminal. Requests for such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant noncompliance, and such tests will be limited to the particular matter in controversy. The grantor shall endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to grantee or to the subscriber. Costs of such tests will be borne by the grantee.

L. Areawide interconnection.

(1) Interconnection. The grantee may interconnect origination and access channels of the cable communications system with any or all other cable systems in adjacent areas, upon the request of the grantor and mutual consent of all parties. Interconnection of systems shall permit interactive transmission and reception of program materials, and may be done by direct cable connection, microwave link, satellite, or other appropriate method.

(2) Interconnection procedure. Upon receiving the request of the grantor to interconnect, the grantee shall immediately initiate negotiations with the other affected system or systems.

(3) Cooperation. The grantee may cooperate with any interconnection corporation, regional interconnection authority or City, county, state and federal regulatory agency which may be hereafter established for the purpose of regulating, financing, or otherwise providing for the interconnection of cable systems beyond the boundaries of the City. Such cooperation shall not be unreasonably withheld.

(4) Initial technical requirements to assure future interconnection capability.

(a) All cable communications systems receiving franchises to operate within the City shall use the frequency allocations assigned by the existing system operator for all access channels television signals.

(b) Grantee(s) shall provide local origination equipment that is compatible through the area so that videocassettes or video tapes can be shared by various systems.

§ 166-111. Service provisions.

A. Program services. Grantee shall notify grantor of its program services and any changes thereto.

B. Basic cable service (BCS). The basic cable service may include the retransmission of local television broadcast signals as prescribed by the FCC or other governing regulatory body and shall include all community access and local origination channels.

C. Institutional service (IS). The institutional service may include the provision of transmission and/or reception services to institutional users, on a leased channel basis at established IS rates. Video service for public and nonprofit institutions will be free of charge. Grantee will offer nonprofit institutional users grantee's nonvideo services on the institutional network at the lowest rate being charged at that time to commercial users for comparable services.

D. Local origination channel. The grantee shall operate and control its cablecasting studio(s) as specified in the franchise agreement for the purpose of providing cablecast programming responsive to local needs and interests.

E. Government access channel. The grantee shall provide one government access channel, including all necessary interface equipment and cabling to permit operation, for the use of the grantor, county and state government at no charge. The grantee shall make every effort to provide advice and technical expertise to aid in the utilization of this channel.

F. Educational access channel. The grantee shall provide one channel, including all necessary interface equipment and cabling to permit operation, for the use of the local educational institutions at no charge. The grantee shall make every effort to provide advice and technical expertise to aid in the utilization of this channel.

G. Public access channel. The grantee shall provide one channel including all necessary interface equipment and cabling to permit operation, to be available to the public at no charge. The community access channel shall be managed and operated by the Access Channel Manager, as described in § 166-105.

H. Grantor use of the institutional network.

(1) Pursuant to the franchise agreement, the grantee reserve a portion of the upstream and downstream capability of the institutional network for use by government agencies and nonprofit institutions for video services free of charge.

(2) The grantee shall have available one-way or two-way audio channels in conjunction with video services to institutional network users as reasonably requested.

(3) Institutional users may have reasonable access to the institutional network.

(4) Institutional network channels utilized by the grantor will be managed by the Access Channel Manager.

I. Leased access channels. Grantee shall make available for lease, on a nondiscriminatory basis, cable channels for commercial use as required by § 612 of the Act. All revenues from the leasing of such channels shall be included in gross revenues.

J. Universal service. The grantor requires that all dwelling units within the City, upon request of the occupants of said dwelling units, who pay the installation charge, shall be connected physically in the cable communication system by the grantee by means of drop cables terminating at each dwelling unit, whether or not the dwelling unit occupants desire to subscribe to basic cable service. The programming transmitted to the occupant shall be limited to the access channels.

K. Additional channel capacity for municipal use.

(1) Grantee shall provide sufficient channel capacity to enable the grantor to utilize remote meter reading, traffic light control, energy management and video monitoring. Grantee shall assist grantor in planning the utilization of these services as specified in the franchise agreement.

(2) As set forth in the franchise agreement, additional community access channels may be made available by the grantee upon a showing that the existing access channels have become fully utilized, and shall be made available if directed by the arbitration procedure described in the final proposal.

L. Access funding. Grantee shall provide capital funding for the access channels as specified in the franchise agreement.

§ 166-112. Rights reserved to grantor.

A. Rights to purchase the system.

(1) Pursuant to the Act, the grantor may upon the payment of a fair market valuation lawfully purchase, condemn, acquire, or take over and hold the property and plant of the grantee in whole or in part. If such purchase or taking over be upon revocation of the franchise or at the expiration of the term of the franchise, such valuation shall not include any sum for the value of the franchise or grant under which plant and property is being operated.

(2) The fair market value purchase price shall be determined by the appraisal of two certified appraisers: one appraiser chosen by the City; one appraiser chosen by the grantee. In the event that said appraisers are unable to reach a consensus as to the fair market value purchase price, the appraisers shall submit the question to a third appraiser, chosen by them, whose determination shall be final and binding. The grantor may affirmatively accept the decision of the appraisers within 90 days after the rendering of the appraiser's decision. However, if the grantor fails to accept the appraiser's decision within the aforesaid ninety-day period, the rights of the grantor to purchase shall expire.

B. Right of inspection records. There shall be kept in the grantor's office a separate record for the franchise, which record shall show the things set forth in §§ 166-107 and 166-109.

C. Right of inspection of construction. The grantor shall have the right to inspect all construction or installation work performed subject to the provisions of the franchise.

D. Right of intervention. The grantor shall have the right of intervention in any suit or proceeding relating to this chapter to which the grantee is party, and the grantee shall not oppose such intervention by the grantor.

E. Right to require removal of property. In the event the franchise is revoked or not renewed under the Act, the grantor shall have the right to require the grantee to remove, at its own expense, all aerial portions and exposed apertures of the cable communications system from all streets and public ways within the City.

§ 166-113. Rights reserved to grantee.

Should the grantee become dissatisfied with any material decision or ruling of the grantor pertaining to cable communications matters, the grantee may pursue such other remedies as are available, including the bringing of action in any court of competent jurisdiction.

§ 166-114. Miscellaneous provisions.

A. Compliance with state and federal laws. Notwithstanding any provision of this franchise to the contrary, the grantee shall at all times comply with all laws and regulations of the state and federal government or any administrative agencies thereof. If any such state or federal law or regulation, as enacted, adopted or interpreted by any court or government agency subsequent to the date of this chapter, shall require the grantee to perform any service or shall permit the grantee to perform any service, or shall prohibit the grantee from performing any service, in conflict with the terms of this chapter or of any law or regulation of the grantor, then as soon as possible following knowledge thereof, the grantee shall notify the grantor of the point of conflict believed to exist between such regulation or law and the laws or regulations of the grantor of this chapter, and the grantee shall be excused from performance hereunder, provided that it acts in good faith reliance thereon, pending resolution of such conflict.

B. Separability; nonmaterial provisions. If any provision of this chapter or any related agreements is held by any court or by any federal, state or county agency of competent jurisdiction to be invalid as conflicting with any federal, state or county law, rule or regulation now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, and if said provision is considered nonmaterial by the grantor, said provision shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision hereof or thereof which had been held invalid or modified is no longer in conflict with the law, rules and regulations then in effect, said provision shall thereupon return to full force and effect and shall thereafter be binding on the parties hereto, provided that the grantor shall give the grantee 30 days written notice of such change before requiring compliance with said provision.

C. Separability; material provisions. If any material section of this chapter, as determined by the grantor, is held to be invalid or preempted by federal or state regulations or laws, the grantor shall negotiate with grantee appropriate modifications to the franchise to provide

reasonable relief from such invalidity or preemption, including the payment of liquidated damages. If the parties are unable to reach agreement on such modifications, then the dispute will be submitted to a mutually agreeable arbitrator, in accordance with state law, who will determine what modifications and/or liquidated damages are appropriate. The arbitrator's decision shall be binding on the parties, provided, that no decision of the arbitrator shall require the grantor or grantee to be in violation of any federal or state law or regulation.

D. Notices. All notices from grantee to the grantor pursuant to this franchise shall be to the City Clerk. Grantee shall maintain with the grantor, throughout the term of the franchise, an address for service of notices by mail, grantee shall also maintain within the franchise territory, a local office and telephone number for the conduct of matters related to this franchise during normal business hours.

E. Public notice. Minimum public notice of any public meeting relating to the franchise shall be publication at least once in a newspaper of general circulation in the area at least 30 days prior to the meeting, posting at City Hall, by announcement on at least two access channels of the grantee's cable communications system between the hours of 7:00 p.m. and 9:00 p.m., for five consecutive days prior to the meeting.

F. Nonenforcement by the grantor. The grantee shall not be relieved of its obligation to comply with any of the provisions of this chapter by reason of any failure of the grantor to enforce prompt compliance.

G. Theft of services and tampering.

(1) Offense. It shall be unlawful for any person:

(a) Without authority of the grantee, to knowingly obstruct, injure, break, tamper with or destroy or in any manner interfere with or interrupt any cable television service, line, cable or other cable television equipment, or the transmission of signals by the grantee in connection with such line, cable or equipment, or to knowingly take, carry away, injure or destroy any of the converters, posts, cables, wires, insulators, fixtures, equipment, installation or other things belonging to the grantee or used in connection with the furnishing of cable television service.

(b) To knowingly obtain or attempt to obtain cable service without the payment to the grantee of all lawful compensation.

(c) To knowingly divert, intercept, decode, descramble, convert, use or receive any television, radio, audio, video or other signal by any unauthorized connection with any line or cable of the grantee.

(d) To extend equipment designed to receive a cable transmission to an additional television set or sets, without the grantee's permission or knowingly making use of said additional sets or equipment.

(e) To knowingly retain or withhold possession from the grantee or refuse to delivery any appliance, equipment or property of the grantee which may have been used, loaned or rented in connection with such cable television service or

to sell, loan or in any manner dispose of the same to any person other than the grantee thereof.

(f) Without the expressed authorization of the grantee, to knowingly manufacture, import into this City, distribute, sell, offer to sell, possess for sale, or advertise for sale any device, or any plant or kit for a device or for a printed circuit, designed in whole or in part to divert, intercept, decode or descramble any signal carried over the cable television system.

(g) To knowingly assist or instruct any other person in obtaining or attempting to obtain any cable television service with out the payment to the grantee of all lawful compensation.

(2) Prima facie evidence.

(a) It shall be prima facie evidence that a person has committed the crime of theft of cable television service if he is obtaining service from a grantee without authorization from the said grantee.

(b) The presence at any time on or about the wires, cables or other cable television equipment of the grantee of any device, wire or connection of any other modification not authorized by the grantee resulting in the diversion of television, radio, audio or other signals shall constitute prima facie evidence of the intention on the part of the person having custody or control of the room or place where such signals are diverted to violate Subsection G(1) of this section.

(3) Contraband equipment. Any device, kit for a device or for a printed circuit, designed to violate this section may be seized as contraband and no property right of the possessor shall exist in such property.

(4) Civil action.

(a) Any grantee may bring an action to enjoin and restrain any violation of the provisions of this chapter or bring an action for conversion. In addition to any actual damages, an operator may be entitled to punitive damages and reasonable attorneys fees.

(b) It is not a necessary prerequisite to an action pursuant to this section that the grantee have suffered, or be threatened with, actual damage.

Chapter 173

COMMERCIAL LAUNDRY CODE

§ 173-101. Definitions.
§ 173-102. Adoption.
§ 173-103. Title.
§ 173-104. Scope.
§ 173-105. Permit required.
§ 173-106. Fees.
§ 173-107. Plumbing and electric standards.
§ 173-108. General standards.
§ 173-109. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 4-26-2004 by Ord. No. 19-2004 (Ch. 10, Part 10, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

International Electrical Code — See Ch. 180, Part 7.

International Plumbing Code — See Ch. 180, Part 9.

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§ 173-101. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

LAUNDRY — Laundry facilities, washerettes, laundromats, including coin-operated businesses. **[Amended 3-26-2012 by Ord. No. 35-2012]**

PERSON — A natural person, firm, partnership, association, corporation or other legal entity.

RESIDENTIAL COMMON LAUNDRIES — Those rental apartments that provide washing machines and/or dryers for the use of the residents of the property and for which compensation is received.

B. In this chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 173-102. Adoption.

There is hereby established a health permit by the City of Reading for the purpose of prescribing regulations governing the sanitary and safety conditions of commercial laundry facilities within the limits of the City of Reading.

§ 173-103. Title.

These regulations shall be known as the "Commercial Laundry Code of the City of Reading."

§ 173-104. Scope. [Amended 3-26-2012 by Ord. No. 35-2012]

The premises and operating equipment of commercial laundry facilities, washerettes, laundromats, including coin-operated businesses and similar public facilities, including laundry facilities provided for tenants in apartment buildings for the purpose of laundering and cleaning clothing, shall be in accordance with this code.

§ 173-105. Permit required. [Amended 3-26-2012 by Ord. No. 35-2012[1]]

All facilities providing means for laundering clothing shall be required to hold a permit issued by the City of Readin, Property Maintenance Division in the Department of Community Development. Said permit shall be issued annually and shall expire December 31.

§ 173-106. Fees. [Amended 3-26-2012 by Ord. No. 35-2012[2]]

All permits secured under the Health Code shall be paid to the Treasurer of the City of Reading within the calendar month issued. Fees for a permit covered under this code shall be as per the fee schedule enacted by the City of Reading. The fee for every commercial laundry establishment is set by ordinance, as provided in Chapter 212, Fees. In addition, there is a per-unit charge of as set by ordinance for each washer and/or dryer. Residential common laundries shall be required to pay the per-unit fee only.

§ 173-107. Plumbing and electric standards.

A. Plumbing. The installation of any traps, fixture replacements, disposals, relief valves, hot water heaters, automatic washer wastes, water fountains, specialty piping, such as factory equipment, industrial waste equipment, backflow preventers, rain conductors, water service, water piping, building sewer connections (sanitary and storm), and repairs to same shall be in conformity with the provisions of the City Plumbing Code (Chapter 180, Part 9).

B. Electric. The installation of any electrical system used for the transmission of electric current for electric lights, heat, power, signs, electrical materials, electrical equipment or electrical fixtures shall be in conformity with the provisions of the City Electrical Code (Chapter 180, Part 7).[3]

§ 173-108. General standards.

A. All floors, walls, and ceilings of laundries shall be kept in an acceptable sanitary condition at all times.

B. An adequate number of approved waste receptacles with fitted covers shall be provided as required by the Health Officer.

C. Persons owning or operating establishments open on a twenty-four-hour-a-day basis shall be required to sweep down the floors at least two times in each twenty-four-hour period. Where establishments are closed for a minimum of eight hours each day, floors shall be swept down at least one time daily.

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1. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
2. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
3. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

D. Persons owning or operating establishments open to the general public shall be required at least one time in every seven-day period to run each washing machine through a cleaning cycle with water and a cleaning compound to cleanse each machine thoroughly and maintain a record thereof kept for inspection by the Health Officer.

E. All laundry dryers shall be adequately connected by a means of duct to an outside vent that is baffled in such a manner that the dryer effluent does not create a nuisance or hazard to the health of an individual or neighboring property. The duct work shall also be provided with filters, or a system of trapping the lint as approved by the Health Officer.

F. The premises shall be adequately lighted while open to the public.

G. All washing machines shall be properly connected to the water and sewer systems in accordance with the City Plumbing Code (Chapter 180, Part 9).

H. All electrical connections to washers and dryers shall be made in accordance with the City Electrical Code (Chapter 180, Part 7).

§ 173-109. Violations and penalties.

Any person who shall violate a provision of this chapter or code, or any other order, rule, or regulations made thereunder, shall be liable to the issuance of a citation, summons, complaint or warrant against him, and upon conviction thereof, shall be sentenced to paying a fine not exceeding $300 for each offense, together with costs, and in default payment thereof, to be sentenced to a term of imprisonment in the Berks County Prison not to exceed 90 days. Each day that said violation shall continue shall constitute a separate offense for which a prosecution may be instituted as herein above set forth.

Chapter 180

CONSTRUCTION CODES

PART 1
Pennsylvania Construction Code

§ 180-101. Enactment of the Pennsylvania Construction Code.
§ 180-102. Municipal administration.
§ 180-103. Administration and enforcement.
§ 180-104. Establishment of Board of Appeals.
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PART 2
International Wildland-Urban Interface Code

§ 180-201. Adoption of Wildland-Urban Interface Code.
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PART 3
Performance Code for Buildings and Facilities

§ 180-301. Adoption of Performance Code for Buildings and Facilities.
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§ 180-303. State law and regulations.
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§ 180-403. Provisions to be continuation of existing regulations.
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§ 180-503. State law and regulations.
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PART 6
International Mechanical Code

§ 180-601. Adoption of International Mechanical Code.
§ 180-602. Amendments.
§ 180-603. State law and regulations.
§ 180-604. Provisions to be continuation of existing regulations.

§ 180-605. Publication.
§ 180-606. Name.
§ 180-607. Enforcement.

PART 7
International Electrical Code

§ 180-701. Adoption of International Electric Code.
§ 180-702. Amendments.
§ 180-703. State law and regulations.
§ 180-704. Provisions to be continuation of existing regulations.
§ 180-705. Publication.
§ 180-706. Name.
§ 180-707. Enforcement.

PART 8
International Building Code

§ 180-801. Adoption of International Building Code.
§ 180-802. Amendments.
§ 180-803. State law and regulations.
§ 180-804. Provisions to be continuation of existing regulations.
§ 180-805. Publication.
§ 180-806. Title.
§ 180-807. Enforcement.

PART 9
International Plumbing Code

§ 180-901. Adoption of International Plumbing Code.
§ 180-902. Amendments.
§ 180-903. State law and regulations.
§ 180-904. Provisions to be continuation of existing regulations.
§ 180-905. Publication.
§ 180-906. Name.
§ 180-907. Enforcement.

PART 10
International Fuel Gas Code

§ 180-1001. Adoption of International Fuel Gas Code.
§ 180-1002. Amendments.
§ 180-1003. State law and regulations.
§ 180-1004. Provisions to be continuation of existing regulations.
§ 180-1005. Publication.
§ 180-1006. Title.
§ 180-1007. Enforcement.

PART 11
International Energy Conservation Code

§ 180-1101. Adoption of International Energy Conservation Code.
§ 180-1102. Amendments.
§ 180-1103. State law and regulations.
§ 180-1104. Provisions to be continuation of existing regulations.
§ 180-1105. Publication.
§ 180-1106. Name.
§ 180-1107. Enforcement.

PART 12
Property Maintenance Rules and Regulations

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§ 180-1202. Definitions.
§ 180-1203. Quality of life (QOL) violations.
§ 180-1204. Authority for issuance of violation ticket.
§ 180-1205. Enforcement.
§ 180-1206. Service.
§ 180-1207. Separate offense.
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§ 180-1209. Abatement of violation.
§ 180-1210. Violations and penalties.

§ 180-1211. Appeal.
§ 180-1212. Collections.
§ 180-1213. Liens.
§ 180-1214. Nonexclusive remedies.

PART 13
International Property Maintenance Code

§ 180-1301. Adoption of International Property Maintenance Code.

PART 14
International Fire Code

§ 180-1401. Adoption of International Fire Code.
§ 180-1402. State law and regulations.
§ 180-1403. Provisions to be continuation of existing regulations.
§ 180-1404. Publication.
§ 180-1405. Title.
§ 180-1406. Enforcement; violations and penalties.
§ 180-1407. Amendments.
Exhibit A, Hazard Areas
Table R301.2(1), Climatic and Geographic Design Criteria
Property Maintenance Code

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

House numbering — See Ch. 302.

Stormwater management — See Ch. 505.

Subdivision and land development — See Ch. 515.

Zoning — See Ch. 600.

STATE LAW REFERENCES

Uniform Construction Code — See 35 P.S. § 7210.101 et seq.

PART 1

Pennsylvania Construction Code

[Adopted 4-26-2004 by Ord. No. 26-2004 (Ch. 5, Part 1A, of the 2001 Code of Ordinances)]

§ 180-101. Enactment of the Pennsylvania Construction Code.

The City of Reading, Pennsylvania, hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 through 7210.1103, as amended from time to time, and its regulations.

§ 180-102. Municipal administration.

The Uniform Construction Code, contained in 34 Pa. Code. Chapters 401 through 405, as amended from time to time, and enacted under certain separate ordinances of the City of Reading, Pennsylvania, on or about April 5, 2004, is incorporated by reference as the City of Reading, Pennsylvania, Building Code.

§ 180-103. Administration and enforcement.

Administration and enforcement of the Building Code within the City of Reading, Pennsylvania, shall be undertaken in any of the following ways as determined by the governing body of the City of Reading. Pennsylvania, from time to time by appropriate legislation:

A. By the designation of an employee of the City of Reading, Pennsylvania to serve as the municipal code official to act on the behalf of the City of Reading, Pennsylvania.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the City of Reading, Pennsylvania.

C. By agreement with one or more other municipalities for the joint administration and enforcement of this Part through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of this Part on behalf of the City of Reading, Pennsylvania.

E. By retention of a building code official certified as an accessibility specialist, to perform accessibility plan reviews and inspections pursuant to Chapter 11 of the International Building Code. **[Amended 9-12-2011 by Ord. No. 43-2011]**

§ 180-104. Establishment of Board of Appeals.

If at any time enforcement and administration is undertaken jointly with one or more other municipalities, any Board of Appeals shall be established by joint action of the participating municipalities.

§ 180-105. Fees.

Fees assessable to the City of Reading, Pennsylvania, for the administration and enforcement undertaken pursuant to this Part 1, other specific code ordinances, and the Code shall be established by the governing body through appropriate legislation.

PART 2

International Wildland-Urban Interface Code

[Adopted 12-11-2006 by Ord. No. 92-2006 (Ch. 5, Part 10, of the 2001 Code of Ordinances)]

§ 180-201. Adoption of Wildland-Urban Interface Code. [Amended 12-28-2009 by Ord. No. 78-2009]

A certain document, three copies of which are on file in the office of the City Clerk of City of Reading, being marked and designated as the International Wildland-Urban Interface Code, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Wildland-Urban Interface Code of the City of Reading in the Commonwealth of Pennsylvania for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Wildland-Urban Interface Code on file in the office of the City of Reading are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in § 180-202 of this Part.

§ 180-202. Amendments.

The following sections of the International Wildland-Urban Interface Code for the City of Reading is hereby amended, revised, deleted, etc., as indicated:

A. Chapter 1, Section 101.1, is amending by deleting the words "name of jurisdiction" and the brackets surrounding that phrase and by inserting in place thereof the words "the City of Reading."

§ 180-203. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

§ 180-204. Provisions to be continuation of existing regulations.

Nothing in this Part or in the Wildland-Urban Interface Code hereby adopted shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance as repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 180-205. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-206. Title. [Amended 12-28-2009 by Ord. No. 78-2009]

This Part shall be known as the "2009 International Wildland and Urban Interface Code" also known as "Wildland-Urban Interface Code" for the City of Reading.

§ 180-207. Boundaries.

Specific boundaries of natural or man-made features of wildland-urban interface areas shall be as shown on the wildland area interface map attached hereto as Exhibit A.[1] The legal description of such areas are available from the Department of Fire and Rescue Services.

§ 180-208. Enforcement. [Amended 12-28-2009 by Ord. No. 78-2009]

The 2009 International Wildland-Urban Interface Code, also known as "Wildland-Urban Interface Code" of the City of Reading shall be enforced by City of Reading Codes Service Division - Building/Trades and/or City of Reading Fire Marshal or his/her designee of the Fire Prevention Division of the City of Reading Department of Fire and Rescue.

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1. **Editor's Note: Exhibit A, Hazard Areas, is included at the end of this chapter. Copies of the wildland-urban interface map are available in the Fire Department.**

PART 3

Performance Code for Buildings and Facilities
[Adopted 12-11-2006 by Ord. No. 93-2006 (Ch. 5, Part 11, of the 2001 Code of Ordinances)]

§ 180-301. Adoption of Performance Code for Buildings and Facilities. [Amended 12-28-2009 by Ord. No. 78-2009]

A certain document, three copies of which are on file in the office of the City Clerk of City of Reading, being marked and designated as the International Performance Code for Buildings and Facilities, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Performance Code for Buildings and Facilities of the City of Reading, in the Commonwealth of Pennsylvania for regulating and governing the performance-based design, construction, quality of materials, erections, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building and/or fire protection systems as herein provided; providing of the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions; penalties, conditions and terms of said Performance Code on file in the office of the City of Reading are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in § 180-302 of this Part.

§ 180-302. Amendments. [Amended 12-28-2009 by Ord. No. 78-2009]

The issuance of permits and collection fees therefor, and each and all of the regulations, provisions, conditions and terms of the International Codes, 2009 edition published by the International Code Council, adopted by the City of Reading Ordinance No. 78-2009,[2] also on file in the Office of the City of Reading, shall provide enforcement, permits, plan review, inspection, fees and certificate of occupancy requirements where not specified in the ICC Performance Code for Buildings and Facilities. The City of Reading also establishes the following performance groups for new and/or existing use groups or specific buildings or facilities for the application of this code.

Allocation of Use and Occupancy Classifications and Specific Buildings or Facilities to Performance Groups

Performance Group	Use and Occupancy Classification or Specific Buildings or Facilities
I	
II	
III	

§ 180-303. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the

2. **Editor's Note: See Part 4, International Residential Code.**

provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

§ 180-304. Provisions to be continuation of existing regulations.

Nothing in this Part or in the Performance Code for Buildings and Facilities hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance as repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 180-305. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-306. Title. [Amended 12-28-2009 by Ord. No. 78-2009]

This Part shall be known as the "2009 International Performance Code for Buildings and Facilities," also known as "Performance Code for Buildings and Facilities" for the City of Reading.

§ 180-307. Enforcement.

The Performance Code of Buildings and Facilities[3] of the City of Reading shall be enforced by City of Reading Codes Service Division - Building/Trades and/or City of Reading Fire Marshal or his/her designee of the Fire Prevention Division of the City of Reading Department of Fire and Rescue.

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3. Editor's Note: Ord. No. 93-2006, as enacted, read "Fuel Gas Code."

PART 4

International Residential Code

[Adopted 12-11-2006 by Ord. No. 94-2006 (Ch. 5, Part 8, of the 2001 Code of Ordinances)]

§ 180-401. Adoption of International Residential Code. [Amended 12-28-2009 by Ord. No. 78-2009]

A certain document, three copies of which are on file in the office of the City Clerk of the City of Reading, being marked and designated as the International Residential Code, 2009 Edition, including Appendix Chapters A, B, C, D, E, F, G, I, J and L (see International Residential Code, § R102.5, 2009 edition), as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Reading, in the State of Pennsylvania, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of attached one- and two-family dwelling and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each of all of the regulation, provisions, penalties, conditions and terms of said residential code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in § 180-402 of this Part.

§ 180-402. Amendments. [Amended 9-24-2007 by Ord. No. 72-2007]

The following sections are hereby amended, revised, deleted, etc., as indicated:

A. Section R101.1, is amended by deleting the words "name of jurisdiction" and the brackets surrounding that phrase and by inserting in place thereof the words "the City of Reading."

B. Section R108.2, is amended by adding: **[Amended 9-12-2011 by Ord. No. 42-2011[4]]**

All tradespersons shall pay the permit fees based on labor and materials provided in Chapter 212, Fees, prior to commencing work or performing services in or upon all premises within the City based upon aggregate cost of labor and materials:

Administrative fee

In addition to the aforesaid fee, all tradespersons shall be required to pay an administrative fee as provided in Chapter 212, Fees, for each permit applied for and received. This fee is in addition to the above-listed permit fee.

As built. Should it be determined that the job costs greatly differentiate from the as-built costs to save monies on the fee for the permit at the discretion of the Codes Services Division - Building/Trades, said persons reserve the right to undertake any and all appropriate and applicable methods including, but not limited to, commencement of legal action to obtain the difference of the fee submitted for a permit and estimated job costs and the as-built costs.

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4. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Consultation fee. In addition to the fee for a permit as set forth herein, a fee per hour, as provided in Chapter 212, Fees, shall be charged for consultation either in person or via telephone with the any Building/Trades Inspector for consultation prior to submission of plans for review and subsequent to approval of plans and issuance of permit beyond one hour total time calculated by combining time of all Building/Trades Inspector consulted on single project per above parameters.

Removal of placard. The Building Code Official, his designee or Code Official shall remove the stop-work order placard whenever the defect or defects upon which the stop-work order and placarding action were based have been eliminated and with the payment of a fee as provided in Chapter 212, Fees. Any person who conceals, covers, hides, defaces or removes a stop-work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

C. Section R108.5 is amended to read as follows:

Upon written documentation and confirmation that project was not commenced, 80% of the permit fee, excluding the $2 administrative fee, is refundable.

No refund will be issued for plan review.

D. Table R301.2(1) is amended by inserting "Refer to Table R301.2(1) attached as, Exhibit A."[5]

E. Section R311.4.1 is amended by adding:

R311.4.1.2. Every basement level shall be provided with an exterior hatchway or door to grade with a minimum door height of six feet eight inches and a minimum door width of 36 inches.

F. Section P2603.6.1 is amended to delete the word "number" in both places provided and the brackets surrounding it and insert in place thereof "36 inches" and "36 inches."

G. Section P3103.1 is amended to delete the word "number" in both places provided and the brackets surrounding it and insert in place thereof "24 inches" and "24 inches" where provided.

H. Delete Bill No. 27-2003, Pier Construction, and replace with Section AE502.4 Appendix E by adding:

All single-family dwelling units shall be erected on a full perimeter foundation consisting of minimum eight-inch-by-sixteen-inch concrete masonry unit, eight-inch poured concrete wall construction or a design approved by the Code Official. **No perimeter pier construction shall be permissible.**

§ 180-403. Provisions to be continuation of existing regulations. [Amended 12-28-2009 by Ord. No. 78-2009]

Nothing in this Part or in the 2009 International Residential Code as the Residential Code for the City of Reading as hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action

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5. Editor's Note: Table R301.2(1), Climatic and Geographic Design Criteria, is included at the end of this chapter.

acquired or existing, under any act or ordinance as repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 180-404. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

§ 180-405. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-406. Title. [Amended 12-28-2009 by Ord. No. 78-2009]

This Part shall be known as the "2009 International Residential Code" and as the "Residential Code" for the City of Reading.

§ 180-407. Enforcement.

The Residential Code of the City of Reading shall be enforced by City of Reading Codes Service Division - Building/Trades and/or City of Reading Fire Marshal or his/her designee of the Fire Prevention Division of the City of Reading Department of Fire and Rescue.

PART 5

International Existing Building Code

[Adopted 12-11-2006 by Ord. No. 96-2006 (Ch. 5, Part 1C, of the 2001 Code of Ordinances)]

§ 180-501. Adoption of International Existing Building Code. [Amended 12-28-2009 by Ord. No. 78-2009]

A certain document, three copies of which are on file in the office of the City Clerk of the City of Reading, being marked and designated as the International Existing Building Code, 2009 Edition, including Appendix Chapter A (see International Existing Building Code, § 101.7, 2009 Edition), as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Reading, in the State of Pennsylvania for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing building, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part 5, with the additions, insertions, deletions and changes, if any, prescribed in § 180-502 of this Part 5.

§ 180-502. Amendments. [Amended 9-27-2007 by Ord. No. 72-2007; 12-28-2009 by Ord. No. 78-2009]

The following sections of the International Existing Building Code, 2009 Edition, a/k/a Existing Building Code for the City of Reading, is hereby amended, revised, deleted, etc., as indicated:

A. Section 101.1, is amended by deleting the words "name of jurisdiction" and the brackets surrounding that phrase and by inserting in place thereof the words "the City of Reading."

B. Section 102.1 of this section is amended by adding:

It is the intent of the City of Reading Building Code and Fire Code ordinance amendments to apply to the respective sections of the International Existing Building Code regarding specific sections in the IBC and IFC Chapter 4, § 403, "High-Rise Buildings," and Chapter 9, "Fire Protection Systems."

C. Section 105.1.2.3 is amended to read as follows: **[Amended 9-12-2011 by Ord. No. 42-2011; 11-19-2012 by Ord. No. 111-2012[6]]**

All tradespersons shall pay permit fees as specified by the City of Reading Fee Schedule[7] prior to commencing work or performing services in or upon all premises within the City based upon aggregate cost of labor and materials.

Administrative fee

In addition to the aforesaid fee, all tradespersons shall be required to pay an administrative fee as specified by the City of Reading Fee Schedule[8] for each permit applied for and received. This fee is in addition to the above-listed permit fee.

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6. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
7. **Editor's Note: See Ch. 212, Fees.**
8. **Editor's Note: See Ch. 212, Fees.**

As-built. Should it be determined that the job costs greatly differentiate from the as-built costs to save monies on the fee for the permit at the discretion of the Codes Services Division - Building/Trades, said persons reserve the right to undertake any and all appropriate and applicable methods including, but not limited to, commencement of legal action to obtain the difference of the fee submitted for a permit and estimated job costs and the as-built costs.

Consultation fee. In addition to the fee for a permit as set forth herein, a fee as specified in the City of Reading Fee Schedule[9] shall be charged for consultation either in person or via telephone with the/any Building/Trades Inspector for consultation prior to submission of plans for review and subsequent to approval of plans and issuance of permit beyond one hour total time calculated by combining time of all Building/Trades Inspector consulted on single project per above parameters.

Removal of placard. The Building Code Official, his designee or Code Official shall remove the stop-work order placard whenever the defect or defects upon which the stop-work order and placarding action were based have been eliminated and with the payment of a fee as provided in Chapter 212, Fees. Any person who conceals, covers, hides, defaces or removes a stop-work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

D. Section 1201.2 is amended by inserting in "1978."

§ 180-503. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

§ 180-504. Provisions to be continuation of existing regulations. [Amended 12-28-2009 by Ord. No. 78-2009]

Nothing in this Part or in the 2009 International Existing Building Code, also known as the "Existing Building Code for the City of Reading," as hereby adopted, shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance as repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 180-505. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-506. Title. [Amended 12-28-2009 by Ord. No. 78-2009]

This Part shall be known as the "2009 International Existing Building Code" and as the "Existing Building Code" for the City of Reading.

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9. Editor's Note: See Ch. 212, Fees.

§ 180-507. Enforcement.

The Existing Building Code of the City of Reading shall be enforced by City of Reading Codes Service Division - Building/Trades and/or City of Reading Fire Marshal or his/her designee of the Fire Prevention Division of the City of Reading Department of Fire and Rescue.

PART 6

International Mechanical Code

[Adopted 12-11-2006 by Ord. No. 97-2006 (Ch. 5, Part 5, of the 2001 Code of Ordinances)]

§ 180-601. Adoption of International Mechanical Code. [Amended 12-28-2009 by Ord. No. 78-2009]

A certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the "International Mechanical Code, 2009 Edition," including Appendix A (see International Mechanical Code, § 101.2.1, 2009 Edition), as published by the International Code Council, be and is hereby adopted and the Mechanical Code of the City of Reading, in the Commonwealth of Pennsylvania, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the Office of the City of Reading are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in § 180-602 of this Part.

§ 180-602. Amendments. [Amended 9-24-2007 by Ord. No. 72-2007; 12-28-2009 by Ord. No. 78-2009; 3-22-2010 by Ord. No. 11-2010; 5-10-2010 by Ord. No. 18-2010; 8-23-2010 by Ord. No. 56-2010; 12-27-2010 by Ord. No. 106-2010]

The following sections of the International Mechanical Code, 2009 edition, a/k/a Mechanical Code, for the City of Reading is hereby amended, revised, deleted, etc., as indicated:

A. Section 101.1 Title, is amended to read as follows: This code shall be known as the "Mechanical Code of the City of Reading, Pennsylvania," hereinafter referred to as "this code."

B. Section 103.1, General, is amended to read as follows: The Administrative Authority shall be the City of Reading Mechanical Inspector and the City of Reading Mechanical Board of Standards Examiners duly appointed by the jurisdiction, and have authority to administer and enforce the provisions of this code as adopted or amended. The City of Reading Mechanical Inspector shall be the Code Official of this code.

C. Section 103.2, Appointment, is amended to include as follows:

103.2.1 Qualifications.

(a) In order to be eligible for appointment for Mechanical Inspector, the candidate shall have a minimum of 10 years' experience in the heating/cooling field, with some installation background and shall have the approval of the Mechanical Board.

(b) The candidate shall hold at least a mechanical contractors' license or master plumber license.

(c) The Mechanical Inspector shall not engage in any activities contrary to the provision of this code, nor shall engage in any activities creating a conflict of interest.

D. Section 103.5, Mechanical Board, is amended to include as follows:

103.5 Mechanical Board. There is hereby established a Mechanical Board of Standards and Examiners whose members shall be appointed by the Mayor and approved by City Council. The Mechanical Inspector shall serve as liaison officer to the Mechanical Board and attend all meetings.

(a) **Membership.** The Mechanical Board shall consist of nine members, of whom all shall be selected from any of the following disciplines: the HVAC service industry, the air conditioning and refrigeration industry, the HVAC engineering profession, the electrical trade, the plumbing trade or an instructor or administrator of an institution of vocational training. No more than two board members may be selected from any one of these professions. In the event of a failure to appoint a successor after the expiration of any member's term, such member shall continue to serve until a successor(s) is duly appointed.

(b) **Term of office.** The appointed members of the Board shall serve for a term of six years in such manner of original appointment that the term of two members shall expire December 31 of year one, the term of two members shall expire December 31 of year two, the term of one member shall expire December 31 of year three, the term of one member shall expire December 31 of year four, the term of one member shall expire December 31 of year five, the term of one member shall expire December 31 of year six. Members not attending meetings for one year shall be deemed inactive and their membership shall be terminated.

(c) **Meetings of the Board.** The Mechanical Board shall hold its first meeting no later than 30 days after the effective date of this Part and thereafter the Board shall meet at such intervals as may be necessary for the performance of its duties; provided; however, that normal meeting dates shall be the first Tuesday of December, March, June, and September of each calendar year.

(d) **Function of the Board.** The Mechanical Board of Standards and Examiners shall make all reasonable rules and regulations pertaining to the International Mechanical Code to the City of Reading Mechanical Inspector for Council's adoption. They shall make reasonable rules and regulations governing its procedures, and similarly establish standards and procedures for the qualifications, examination and licensing of mechanical contractors and mechanical journeyman and recommend qualified applicants for issuance of license to the Mechanical Inspector. In addition, said Board shall convene at the instance of the Board Chairman for the purpose of holding hearings concerning the suspension and/or revocation of licenses herein after provided. There shall be a quorum of five members in attendance in order for the Mechanical Board to conduct business.

(e) **Removal of members.** Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

E. Section 104, Duties and powers of the Mechanical Inspector.

(1) 104.4.1 Rescheduling of inspections, is amended to include as follows:[10]

104.4.1 Rescheduling of inspections. If the owner or representative of the owner cannot be available at the proposed time, said owner or representative shall provide no less than twenty-four-hour written notice to the Codes Service Division Office. Upon failure to give such written notice or upon failure to gain entry, an administrative fee as provided in Chapter 212, Fees, will be assessed the owner or representative of the owner for ailing to supply written notice or to appear. For each rescheduling beyond the second rescheduling, an administrative fee as provided in Chapter 212, Fees, shall be assessed in all cases.

(2) Section 104.5, Right of entry, is amended to read as follows:

104.5 Right of entry. If any owner, occupant or other person in charge of a structure subject to the provision of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this code is sought, the administrative authority shall promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is reasonable or probable cause to conduct an inspection. For the purposes of this section, a reasonable or probable cause to gain access for an inspection shall include without being limited to the following:

1. That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the City; or
2. That the Code Official, after investigation or upon information received, has knowledge, information or a reasonable belief that a violation of this code or other codes and ordinances of the City exist; or
3. That such entry is for the purpose of inspecting a previous notice of violation; or
4. That the Code Official has received a complaint concerning a violation on or within the premises; or
5. That such entry is necessary to determine if the building, structure, premises, dwelling, or dwelling units meet code standards.

(3) Section 104.7, Notice of inspection, is amended to read as follows:

104.7, Notice of inspection. When entry by the Code Official to any building structure or premises has not been possible, a notice of inspection shall be issued to the property owner or representative of the owner.

F. Section 106, Permits.

(1) Section 106.1.1, Homeowner clause, is amended to include as follows:

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10. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

106.1.1 Homeowner clause. Notwithstanding anything contrary to the provisions of this code, a permit may be issued to the qualified owner occupant of a single-family dwelling in the City of Reading, used exclusively for the living purposes, provided that the person is the bona fide owner and that said owner will personally perform all labor in connection therewith said permit, provided there is no modification or alteration to any existing venting system, chimney, connector and/or flues for gas furnaces, oil burners, wood-burning stoves or incinerators.

All work done under this section shall be subject to inspection and other provisions of this code.

A permit shall be secured from the Codes Service Division and approved by the Mechanical Inspector before commencing work and an inspection shall be performed before concealment.

(2) Section 106.5.2, Fees, is amended to include as follows: **[Amended 9-12-2011 by Ord. No. 42-2011[11]]**

106.5.2 Fees. All tradespersons shall pay permit fees based on labor and materials, as provided in Chapter 212, Fees, prior to commencing work or performing services in or upon all premises within the City based upon aggregate cost of labor and materials.

Administrative fee.

In addition to the aforesaid fee, all tradepersons shall be required to pay an administrative fee as provided in Chapter 212, Fees, for each permit applied for and received. This fee is in addition to the above-listed permit fee.

As-built. Should it be determined that the job costs greatly differentiate from the as built costs to save monies on the fee for the permit at the discretion of the Codes Services Division - Building/Trades, said persons reserve the right to undertake any and all appropriate and applicable methods including, but not limited to, commencement of legal action to obtain the difference of the fee submitted for a permit and estimated job costs and the as-built costs.

Consultation fee. In addition to the fee for a permit as set forth herein, a fee per hour as provided in Chapter 212, Fees, shall be charged for consultation either in person or via telephone with the any Building/Trades Inspector for consultation prior to submission of plans for review and subsequent to approval of plans and issuance of permit beyond one hour total time calculated by combining time of all Building/Trades Inspector consulted on single project per above parameters.

Removal of placard. The Building Code Official, his designee or Code Official shall remove the stop-work order placard whenever the defect or defects upon which the stop-work order and placarding action were based have been eliminated and with the payment of a fee as provided in Chapter 212, Fees. Any person who conceals, covers, hides, defaces or removes a stop-work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

(3) Section 106.5.3, Fee refunds, is amended as follows:

11. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Section 106.5.3(2) is amended by deleting the words "specify percentage" and the brackets surrounding the phrase and by inserting in place thereof the language "80% of the permit fee, excluding the $2 administrative fee."

Section 106.5.3(3) is amended by deleting the words "specify percentage" and the brackets surrounding the phrase and by inserting in place thereof the language "0% (no refund shall be issued for plan review)."

G. Section 108, Violations.

(1) Section 108.4, Violation; penalties, is amended to read as follows:

108.4 Violation; penalties. Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine of not less than $500 and not exceeding $1,000 for the first two offenses and not more than $5,000 for the third and successive offenses plus costs and restitution, or in default of payment to imprisonment, for a term not to exceed 30 days. One fine per month per violation shall be assessed, except that continual and uncorrected violations that pose a threat to the public and violate the same subsection of an ordinance for the same property can be assessed at one citation per five calendar days.

(2) Section 108.4.1, Administrative fee, is amended to read as follows:[12]

108.4.1 Administrative fee. Any property owners who has more than two violations of this code in any twelve-month period shall be required to pay an administrative fee as provided in Chapter 212, Fees, in amounts provided for the third violation, the fourth violation and the fifth and successive violations.

(3) Section 108.5. Refer to Section 108.4.

(4) Section 108.7.1, Authority to condemn mechanical systems, is amended to read as follows:

108.7.1 Authority to condemn mechanical systems. Any order or notice issued pursuant to the provisions stated in this code may be served personally upon the person, partnership or corporation to whom or to which it is addressed, or may be served by mailing the same in a sealed envelope with postage prepaid, directed, in the case of the holder of any license, to the address furnished by him to the department of his business address and, in the case of other person, partnership or corporation, to the premises where the defects recited in such order are alleged to exist and by the posting in a conspicuous place on such premises of a copy of such notice or order. The service as above described by mailing and posting shall be the equivalent of personal service.

If the notice of violation is not complied with within the time therein specified or within a reasonable time determined by the Code Official or his nominee, the Code Official or nominee shall cause to be instituted an appropriate proceeding at law or in equity to restrain, correct, or abate such alleged violation as provided herein or else where according to law or to require the removal or termination of the use of any mechanical system in violation of the provisions of this code or of the order or direction given or made pursuant thereto.

H. Section 109, Means of appeal.

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12. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(1) Section 109.1, Application for appeal, is amended to read as follows:[13]

109.1. Application for appeal. Any person aggrieved by the decision of the Mechanical Inspector may appeal in writing within 20 days to the Mechanical Board for a review of said decision. A fee in the amount provided in Chapter 212, Fees, shall be payable for each appeal and is due at the time of submission of application for appeal. The Board Chairman shall afford the person a hearing within 20 days and shall give written notice of the time and place of said hearing.

I. Add entire Section 110 as set forth herein:[14]

SECTION 110. LICENSES AND EXAMINATIONS.

110.1 General license information.

(a) All persons engaged in mechanical, heating and cooling contractor and journeyman work as defined and covered by this Part are required to be licensed and shall operate within the limitations imposed by their respective licenses. It shall be unlawful without license for any person, firm or corporation to, or cause to, install, construct, erect, alter, repair, improve, convert, move, use, or maintain any mechanical system within the City.

(b) License fees for mechanical contractors and mechanical journeymen shall be as provided in Chapter 212, Fees.

If not renewed until after January 31 following the expired year, a surcharge as provided in Chapter 212, Fees, will be applied.

(c) All licenses covered under this code shall be issued annually and shall expire on December 31.

(d) All licenses may be renewed upon timely application. If the holder of a license fails to renew said license within a five-year period, the full fee must be paid for the years that the license was not renewed before a license shall be issued. Any holders renewing the license after the fifth consecutive year of nonrenewal shall be required to pass an examination administered by the Mechanical Board.

(e) All license and examination fees must be paid to the City of Reading, Pennsylvania, prior to the issuance of said license or examination.

(f) Application for an initial license of whatever class shall be made in writing and shall furnish such information as the Mechanical Board may require.

(g) Applicants for an initial license of whatever class shall pass with a grade of 70% an examination administered by the Mechanical Board.

(h) The Mechanical Inspector or his assign shall serve as chief proctor for conducting tests and examinations for all classes of licenses herein described.

110.2 Qualification for obtaining a license.

A. **Heating contractor license.** All applicants for a mechanical contractor license shall:

(a) Hold a valid mechanical journeyman license.

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13. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

14. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

(b) Shall have been employed as a mechanical journeyman by a registered mechanical contractor for at least two years.

B. **Installer license.** All applicants for a mechanical journeyman license shall be employed by a registered mechanical contractor and registered with the Pennsylvania Bureau of Apprenticeship Training, Department of Labor. He shall have completed at least four years of approved apprenticeship training, been instructed in subjects related to the trade not less than 216 hours per year during the four-year apprenticeship and have been approved by the local apprenticeship committee according to National Apprenticeship Standards, or while employed by a registered mechanical contractor and registered with and apprenticeship training program comparable to the foregoing program, he shall have completed at least four years of approved apprenticeship training in such program, or he shall have served an apprenticeship of not less than eight years under the supervision of a registered mechanical contractor.

110.3 Reciprocal license. A reciprocal license may be issued if the applicant holds an equivalent license from a first, second, or third class city of the United States, issued by an equivalent board of examiners, whose qualifications and standards are equal to that of the City of Reading, Pennsylvania, and shall have paid to the prescribed fee pursuant to a written application.

110.4 Retired license.

(a) All licensees, upon retirement from business, shall surrender said license to the Codes Service Division of the City of Reading, Pennsylvania. Upon written request to the Mechanical Board, a license covered under this code may be fully reinstated within a period of five years of retirement without reexamination.

(b) If the holder of a retired license wishes to reactivate a retired licensed within a five-year period, the full fee must be paid for the years that the license was retired. All requests for reactivation must be made in writing to the Mechanical Board.

(c) All persons reactivating a retired license after the fifth year of retirement shall be required to pass an examination administered by the Mechanical Board.

110.5 Conditions and provisions for maintaining a license and obtaining a permit.

(a) Applicant shall secure a license within 30 days of examination result notification.

(b) It is prohibited for any licensee to allow the use of said license by any other person or to obtain a permit for work to be performed by an unlicensed person.

(c) All persons licensed under this code shall give immediate notice of any change in address or place of business.

(d) Prior to the issuance of a mechanical contractor permit, the applicant shall submit to the Codes Service Division, City of Reading, a certificate of insurance establishing that the mechanical contractor is currently insured by a reputable insurance company acceptable to the Codes Service Division, City of Reading, covering said mechanical contractor for property damages in the amount of not less than $50,000 for any one claim, and not less than $100,000 for multiple claims arising from the same undertaking, as well as public liability insurance in the amount of not less than $100,000 from any one claim and not less than $300,000 for more than one claim arising from the same undertaking. The Pennsylvania League of Cities and Municipalities requirements go into effect on August 31, 1993. Act 44 requires the submission to the municipality of "proof of workers' compensation insurance" or an affidavit that insurance is not required before issuing a permit. Said certificate shall be for continuous coverage unless cancelled by said insurance company at which time, the Codes Service Division, City of Reading, shall be notified in writing by said insurance company.

(e) All vehicles used for mechanical work in the City shall have lettered or imprinted with letters and numbers no less than two inches high on the driver's door the mechanical license number issued by this City and preceded by the letters "MC."

(f) Application for permits shall be made by a person holding a current contractors license issued by the Code Service Division of the City of Reading. Each shop must a have a contractor assigned to apply for permits from Codes Service Division for the City of Reading. There can be only one contractor in any one shop to pull permits. All shops shall give immediate notice of any change in person holding contractor licensed authorized to apply for permits for that shop. Every contractor shall be permitted to apply for/pull permits from the Codes Services Division for only one shop. A contractor shall not be permitted to apply for/pull permits for more than one shop at any given time.

110.6 Suspension and revocation of license.

1. The Mechanical Board of Examiners and Standards may suspend or revoke any license issued in conformity with this code in the event said license was partially or wholly procured by or through nondisclosure, misstatement or misrepresentation, or repeated violations of this code or if a previously imposed penalty shall not have met with full compliance. "Repeated violations" is hereby defined as a minimum of three separate offenses under this code within a calendar year for which the licensee or offender has either pleaded guilty or has been found guilty by a Magisterial District Judge or other court of competent jurisdiction.

2. The Mechanical Board of Examiners, prior to invoking a suspension or revocation of a license, shall first cause to be served upon said licensee by a personal service or certified mail, a written notice of suspension or revocation of license, as the case may be, setting forth in specific terms and language the nature of the repeated violations, the times thereof and places of occurrence. Said written notice shall also set forth a place, date and time where the licensee may appear at a hearing before the Board, with counsel if desired, to hear sworn testimony as to the repeated violations the licensee is alleged to have committed and for which his license is subject to suspension or revocation, as the case may be.

3. Licensee or his counsel shall be permitted to examine any witness giving testimony against him as well as being given the privilege of offering testimony or other proof or exhibits as a defense or rebuttal to allegations. The hearing before the Board shall not require recordation, shall be informal in nature, and shall not occur less than 30 days nor more than 90 days from the date of service of the written notice upon the licensee. The decision of the Board shall be rendered in writing not more than 30 days from the conclusion of the hearing and shall be served upon licensee in the same manner provided herein for service of the written notice of hearing. In the event licensee or counsel fail to appear at the place, date and time fixed for a hearing, the Board shall nevertheless convene for the purpose of hearing evidence and/or testimony in order to arrive at its determination pursuant to the within provisions. Notice of the Board's decision shall be served upon the licensee as hereinabove set forth just as if he and/or his counsel had appeared at the hearing.

J. Chapter 3, General regulations.

(1) Section 304, Installation, is amended to read as follows:

304.1 General. All heating equipment appurtenances and appliances installed under the provisions of this code shall be approved. "Approved" means acceptable to the administrative authority having jurisdiction as to design, installation, or intended use as required by these standards. Devices listed for the intended specific purpose and fuel by a nationally recognized testing agency may be considered as meeting this requirement of approval. All installations of fuel-burning equipment shall be made in accordance with the provisions of this code, and replacement, adjustment, and lubrication.

K. Chapter 9, Decorative Gas-Fired Appliances for Installation in Vented Fireplaces.

(1) Section 903.1, General, is amended as follows:

903.1 General.

1. All solid-fuel-burning appliances shall be connected to a chimney. All chimneys shall be equipped with a rain cap and approved spark arrestor.
2. Said appliances shall not be connected into the same chimney with gas or liquid fuel boilers or furnaces.
3. Said appliances shall only be installed in owner-occupied dwellings, and shall not be installed in bedrooms, bathrooms, or rooms used for sleeping purposes.
4. All solid-fuel-burning stoves or fireplaces shall be used only during heating seasons, i.e., October 1 through May 1.

L. Chapter 13, Fuel Oil Piping and Storage.

(1) Section 1301, General, is amended as follows:

1301.5 Tanks out of service. All inside fuel oil tanks out of service must be disposed of in a safe manner. Tanks out of service and waiting for removal must be safeguarded, fill and vent piping shall be removed from outside of building to tank, and all tank openings plugged. Tank must be tagged "Out of Service" with company name and address and date of removal. For underground tanks, see NFPA 30, Flammable and Combustible Liquids Code, 2-4.4.

1305.6 and 1305.7 Fill and vent pipes. Where tanks are filled by use of pump through tight connection, a vent pipe shall not be smaller in size than its fill size, and/or follow tank manufacturer's installation instruction for pipe size. The vent and fill pipes shall terminate at a point outside the building no less than two feet vertically or horizontally from any window or building opening, excluding basement windows.

(a) Pitch of fill and vent pipes shall not have less than 1/4 inch per foot to tank.

(b) Fill pipes shall have a minimum nominal pipe diameter of two inches.

(c) Vent pipes shall have a minimum pipe diameter of 1 1/4 inch for 275 gallon tank.

§ 180-603. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

§ 180-604. Provisions to be continuation of existing regulations.

The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of the repealed ordinances.

§ 180-605. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-606. Name. [Amended 12-28-2009 by Ord. No. 78-2009]

This Part shall be known as the "2009 International Mechanical Code" and as the "Mechanical Code" for the City of Reading.

§ 180-607. Enforcement.

The Mechanical Code of the City of Reading shall be enforced by City of Reading Codes Service Division - Building/Trades, including, but not limited to, the Mechanical Inspector thereof and/or City of Reading Fire Marshal or his/her designee of the Fire Prevention Division of the City of Reading Department of Fire and Rescue.

PART 7

International Electrical Code

[Adopted 12-11-2006 by Ord. No. 98-2006 (Ch. 5, Part 4, of the 2001 Code of Ordinances)]

§ 180-701. Adoption of International Electric Code. [Amended 12-28-2009 by Ord. No. 78-2009]

A certain document, three copies of which are on file in the office of the City Clerk of the City of Reading, being marked and designated as the ICC Electrical Code, Administrative Provisions, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Electrical Code of the City of Reading, Commonwealth of Pennsylvania, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the office of the City of Reading City Clerk and Code Official are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in § 180-702 of this Part.

§ 180-702. Amendments. [Amended 9-24-2007 by Ord. No. 72-2007; 3-22-2010 by Ord. No. 11-2010; 5-10-2010 by Ord. No. 18-2010; 8-9-2010 by Ord. No. 50-2010; 12-27-2010 by Ord. No. 106-2010]

A. Section 101, General.

(1) Section 101.1 is amended by deleting the words "name of jurisdiction" and the brackets surrounding that phrase and by inserting in place thereof the words "the City of Reading."

B. Section 102, Applicability.

102.1.6 Special historic buildings. The provisions of this code relating to the alterations, repair, replacement, or restoration of those structures designated as historic buildings shall not be mandatory when such work is deemed to be safe and in the public interest of health, safety and welfare by the Code Official.

C. Section 202, General definitions.

Material. By "material" shall be understood all electrical appliances and electrical fixtures electrical apparatus, electric power appliances, electric wiring, electrical fixtures and fittings, all wiring devices of any kind or nature used as a part of any installation for the transmission or consumption of electrical energy and including the electrical installation and apparatus used in connection with and adjunctive to heating, cooking, plumbing, ventilating and refrigerating equipment, display and advertising signs and water heaters; provided, however, such terms shall not include lamps or domestic electrical appliances severable from freehold without material damage thereto.

D. Section 301, Department of Electrical Inspection.

(1) Section 301.1 is amended to delete any reference to a "department of electrical inspection" and insert in place thereof an "Electrical Inspector as part the Codes Services - Building/Trades Division of the City of Reading."

(2) Amend 301.2:

301.2 The Code Official. A Code Official shall be appointed by the executive authority of the City of Reading.

E. Section 302, Duties and powers of the Code Official.

(1) Section 302.1:

302.1 Qualifications. The Code Official, in order to be eligible for appointment, shall:

1. Have had not less than 10 years' practical experience as a master electrician.
2. Hold certifications for Residential Electrical Inspector, Commercial Electrical Inspector, and Electrical Plans Examiner or obtain these certifications within one year of hire.

(2) Section 302.2:

302.2 Duties. The Code Official shall:

1. Cause an inspection or inspections to be made by himself or his duly authorized agents, upon installation, removal, extension and reception of any electrical wiring and electric apparatus pursuant to this Part, to determine that the electrical work conforms with the NEC, this Part and other ordinances of the City, and the statutes of the Commonwealth of Pennsylvania.
2. The Code Official shall serve as proctor in the administration of license examinations.
3. The Code Official shall enforce the ICC Electrical Administration Provisions and NEC as adopted by the ICC.

F. Section 401, General.

(1) Replace Section 401.2:

401.2 Work requiring permit. It shall be unlawful for any individual person, partnership, copartnership, firm, association, corporation or other legal entity to commence or cause to commence any installation of electrical system used for the transmission of electric current for electric lights heat or power in existing buildings, structures or outdoor electrical displays or signs or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, or the alteration, replacement, conversion or addition of same, without first applying for and obtaining a permit to do so pursuant to this Part.

1. All permits for all installations, introduction or construction of any electrical work, electrical materials, electrical equipment or electrical fixtures as aforesaid, shall be accompanied with an application for inspection on the form of a certified third-party inspection agency, operating under the terms and provisions of the current edition of the National Electrical Code, as recommended by the National Fire Protection Association, and approved by the American Standard Association, identifying the premises wherein the installation or construction is to be made, and the extent, specification and classification of the work to be done.

2. Any necessary forms and applications required by utility companies shall be secured before work commences.
3. Service and repair work permits shall be secured within five days of commencing work. New construction work permits shall be secured prior to commencing work.

G. Section 402, Application.

(1) Replace Section 402.2.

402.2 Process for obtaining electrical permits.

1. Holders of a master electrician license, special license or electrical equipment and appliance contractor license when self-employed, as defined in this code, before the installation, introduction or construction of any electrical work, electrical materials, electrical equipment or electrical fixtures within the City shall first file a written and signed valuation permit in the Codes Services Building/Trades Division Office.
2. Permit applications and inspection forms may be mailed to the Codes Services - Building/Trades Division Office accompanied by the proper fee and a stamped, self-addressed envelope, and the office shall issue the permit. Permits shall be displayed on the premises where the work is being performed so they are visible from the street before such work commences. In cases of emergency, the permit shall be secured on the next full working day for City Hall.
3. The applicant, on the day of issue, shall pay to the City of Reading all fees according to the existing schedule of fees.
4. Application for permits shall be made by a person holding a current master electrician license, special license or electrical equipment and appliance contractor license issued by the Codes Services - Building/Trades Division of the City of Reading. Each shop must a have a holder of a master electrician license, special license or electrical equipment and appliance contractor license assigned to apply for permits from Codes Services - Building/Trades Division for the City of Reading. There can be only one holder of a master electrician license, special license or electrical equipment and appliance contractor license in any one shop to pull permits. All shops shall give immediate notice of any change in the person holding the master electrician license, special license or electrical equipment and appliance contractor license authorized to apply for permits for that shop. Every holder of a master electrician license, special license or electrical equipment and appliance contractor license shall be permitted to apply for/pull permits from the Codes Services- Building/Trades Division for only one shop. A holder of a master electrician license, special license or electrical equipment and appliance contractor license shall not be permitted to apply for/pull permits for more than one shop at any given time.
5. **Homeowner clause.** Notwithstanding anything contrary to the provisions of this code, a permit may be issued to the owner or owners of residential property within the City provided they reside in said residential property, to personally install electrical fixtures, receptacles, switches, electrical wiring for domestic clothes washing machines, dryers, or water heaters, garbage disposals and/or any electric heat. When it is necessary to increase/replace the service entrance and/or the load center equipment, in order to accommodate any additional light, heat, or power loads, such changes shall made be by a licensed master electrician.

(2) Replace Section 402.4.

402.4 Conditions and provisions governing permits.

1. Each applicant for a permit shall cause the premises covered by the application to be open for inspection or inspections by the Code Official of the City, his agents and the representative or representatives of a certified third-party inspection agency at all reasonable times.
2. Any person making false answers to any questions or items set forth in such application form shall forfeit and surrender any permit issued pursuant thereto.

Certificate of insurance.

All contractors are required to have an updated certificate of insurance on file with the Codes Services - Building/Trades Division as follows:

Prior to the issuance of any permit, the contractor shall deposit and execute to the Codes Services - Building/Trades Division of the City, a certificate of insurance establishing that the contractor is currently covered by a reputable insurance company, licensed to do business in the Commonwealth of Pennsylvania. The contractor shall be covered for:

Property damages, in the amount of not less than $50,000 for any one claim and not less than $100,000 for multiple claims, arising from the same undertaking.

Business liability insurance, in the amount of not less than $100,000 for any one claim and not less than $300,000 for multiple claims, arising from the same undertaking.

Workmen's compensation, the certificate shall be for continuous coverage unless cancelled by the insurance company. At which time, the Codes Services - Building/ Trades Division shall be notified in writing, 30 days prior to the cancellation by said insurance company.

H. Section 404, Fees.

(1) Section 404.2 is amended to delete the words "jurisdiction to insert appropriate schedule" and the brackets surrounding the same and in place thereof inserting: **[Amended 9-12-2011 by Ord. No. 42-2011[15]]**

Trades permit fee schedule.

All tradespersons shall pay permit fees based on labor and materials, as provided in Chapter 212, Fees, prior to commencing work or performing services in or upon all premises within the City based upon aggregate cost of labor and materials:

Administrative fee.

In addition to the aforesaid fee, all tradespersons shall be required to pay an administrative fee as provided in Chapter 212, Fees, for each permit applied for and received. This fee is in addition to the above-listed permit fee.

15. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

As built. Should it be determined that the job costs greatly differentiate from the as built costs to save monies on the fee for the permit at the discretion of the Codes Services Division Trades Group, said persons reserves the right to undertake any and all appropriate and applicable methods, including but not limited to commencement of legal action to obtain the difference of the fee submitted for a permit and estimated job costs and the as-built costs.

Consultation fee. In addition to the fee for a permit as set forth herein, a fee per hour as provided in Chapter 212, Fees, shall be charged for consultation either in person or via telephone with the any Building/Trades Inspector for consultation prior to submission of plans for review and subsequent to approval of plans and issuance of permit beyond one hour total time calculated by combining time of all Building/Trades Inspector consulted on single project per above parameters.

Removal of placard. The Building Code Official, his designee or Code Official shall remove the stop-work order placard whenever the defect or defects upon which the stop-work order and placarding action were based have been eliminated and with the payment of a fee as provided in Chapter 212, Fees. Any person who conceals, covers, hides, defaces or removes a stop-work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

(2) Amend Section 404.3.

404.3 Penalties. Commencement of a project without a permit or in excess of a permit will result in a charge of 100% of usual permit fee in addition to normal fee (or doubling of the cost of the permit fee.)

(3) Amend Section 404.5.

404.5 Refunds. Upon written documentation and confirmation that project was not commenced, 80% of the permit fee, excluding the $2 administrative fee, is refundable.

No refund will be issued for plan review.

I. Section 702, Required inspections.

(1) Section 702.1.2 is amended as follows:

702.1.2 Inspection of existing electrical wiring and apparatus. In order to safeguard persons and property against the hazards and perils incident to defective electric wiring and apparatus that are or may now be in existence within the corporate limits of the City, the Code Official is hereby given the duty to inspect with his agents and their representative or representatives of a certified third-party inspection agency, or when public interest so requires, any premises within the City at reasonable times to insure that the existing electric wiring system and apparatus is not defective and unsafe.

(2) Section 702.1.2.1 is amended as follows:

702.1.2.1 No electric wiring shall be concealed unless inspected and approved by the Code Official and his agents and the representatives or representative of a certified third-party inspection agency, but such inspection or reinspection shall be made within a reasonable time after notice of completion of the electrical work sought to be inspected for approval. A duplicate record of each written approval made by a certified third-party inspection agency shall be filed with the Code Official.

(3) Section 702.1.7.1 is amended as follows:

702.1.7.1 Inspection of work under permit. Upon completion of the installation or construction, or any part thereof, of electrical work, the permit holder doing the work shall notify a certified third party inspection agency within five working days, who shall inspect such installation or construction of electrical work, and if the work is done in accordance with the application, the terms of this code and in accordance with the National Electrical Code, shall thereupon issue in triplicate, a final certificate of approval and shall forthwith file one copy thereof with the Codes Services — Building/Trades Division Office of the City. No permanent electrical energy shall be introduced into a building until a cut-in card is so issued.

(4) Section 702.4.3 is amended as follows:[16]

702.4.3 Right of entry.

Notice of inspection. When entry by the Code Official to any building, structure or premises has not been possible, a notice of inspection shall be issued to the property owner or representative of the owner.

Rescheduling inspections. If the owner or representative of the owner cannot be available at the proposed time, said owner or representative shall provide no less than twenty-four-hour written notice to the Codes Services - Building/Trades Division Office. Upon failure to give such written notice or upon failure to gain entry, an administrative fee as provided in Chapter 212, Fees, will be assessed the owner or representative of the owner failing to supply written notice or to appear. For each rescheduling beyond the second rescheduling, an administrative fee as provided in Chapter 212, Fees, shall be assessed in all cases.

Refusal of entry. If any owner, occupant or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this code is sought, the administrative authority shall promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is reasonable or probable cause to conduct an inspection. For the purposes of this section, a reasonable or probable cause to gain access for an inspection shall include without being limited to the following:

1. That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the City.
2. That the Code Official, after investigation or upon information received, has knowledge, information or a reasonable belief that a violation of this code or other codes and ordinances of the City exist.
3. That such entry is for the purpose of inspecting a previous notice of violation.

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16. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

4. That the Code Official has received a complaint concerning a violation on or within the premises.
5. That such entry is necessary to determine if the building, structure, premises, dwelling or dwelling units meet code standards.

Right of entry by owner. Every occupant of a dwelling unit, building, structure or premises shall give the owner thereof, or his agent or employee access to any part of such dwelling, dwelling unit, building, structure or premises, at all reasonable times for the purpose of conducting inspections to determine whether or not violations of this code may exist, or for the purpose of making such repairs of alterations as are necessary to effect compliance with the provisions of this code or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this code.

(5) Section 702.5.1 is amended as follows:

702.5.1 Waiver of inspection. The Code Official may waive his inspection to determine compliance with the National Electrical Code and this Part of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by a certified third-party inspection agency. The Code Official shall give notice so that the approved work may be concealed.

(6) Section 702.6.1 is amended as follows:

702.6.1 Exceptions for inspections. Notwithstanding the provisions of this section, no inspection shall be required for service work that includes replacement of existing sockets, fixtures, controls, motors or fuses where no additional wiring is required.

(7) Section 702.8 is amended as follows:

702.8 Licensing.

702.8.1 General.

1. Any license issued by the Codes Services - Building/Trades Division is renewable.
2. Licenses shall be issued annually and shall expire December 31.
3. Applicants for a license shall be at least 18 years old.
4. Applications for a license shall be made in writing at least 30 days prior to the date examination in such form and shall furnish such information as the Electrical Board may require.
5. No license shall be transferable.
6. Each license shall continue in force only so long as the same representative continues to be associated with the license holder.
7. The licensee shall be responsible for informing the Codes Services - Building/Trades Division Office of any change of address.
8. Applicants for an initial license of whatever type shall attain a passing grade of 70% in such examination as the electrical board requires and shall secure a license within 30 days of examination result notification.
9. All license fees and examination fees are nonrefundable and must accompany application for said examination or license.

10. An application for a change of license to a lower classification shall be granted without examination.

11. The Electrical Board may waive certain requirements for applicants for licenses upon review to determine qualifications.

702.8.2 Classes of licenses. The Codes Services - Building/Trades Division shall issue the following licenses for electrical work in the City:

1. **Master and journeyman electrician.** It shall be unlawful for any person to engage in the business of installing, altering or repairing wiring and appliances for electric light, heat or electrical power within the City unless he shall hold a valid master or journeyman electrician license as provided for herein.

2. **Special license.** It shall be unlawful for any individual person, partnership, copartnership, firm, association, corporation owning, leasing or managing a building, buildings or parts thereof situated within the City to maintain and repair installed electrical systems and equipment without first applying for and obtaining a special license pursuant to this Part.

3. **Special electrician.** It shall be unlawful for any individual person in the employ of another individual, partnership, copartnership, firm, association, corporation holding a special license to install, alter or repair electric wiring, appliances for light, heat power, and for signaling systems in or on buildings or lots in the City or to determine the method to be used and persons to be employed or such work without first applying for and obtaining a special electrician license pursuant to this Part.

4. **Appliance contractor license.** It shall be unlawful for any individual person, partnership, copartnership, firm, association, corporation to install, or cause to be installed, repaired or maintained electrical equipment, air conditioners, signs or equipment, utilized or designed for the utilization of electricity for heat, power, or lighting purposes, communications systems, alarms, sound systems and who carries on such business as an independent electrical installer (dealer) or sign dealer having the final determination and the full responsibility for the manner in which the work is done, for the materials used and for the selection, supervision and control of any persons employed on the work engaged in by such person, partnership or corporation and who employs licensed journeyman electricians or electrical installers without first applying for and obtaining an electrical equipment and appliance contractor license pursuant to this Part.

5. **Appliance installer license.**

   'A' license. It shall be unlawful for any individual person, partnership, copartnership, firm, association, corporation to install, or cause to be installed, repaired or maintained wiring for domestic clothes washing machines, dryers, hot water heaters, garbage disposals, hot faucets, etc., heating equipment loads not in excess of 10 KW, sign equipment leads not in excess of 2 1/2 KW and motors not in excess of 5 HP without first applying for and obtaining an electrical installer 'A' license pursuant to this Part. (When necessary to increase service board equipment, service feeders or distribution to accommodate additional light, heat or power loads, such changes shall be by a Registered Master Electrician.)

'B' license. It shall be unlawful for any individual person, partnership, copartnership, firm, association, corporation to install, or cause to be installed, repaired or maintained fire detection system, fire alarm or security alarm systems in residential buildings of three stories or less without first applying for and obtaining an electrical installer 'B' license pursuant to this Part.

'C' license. It shall be unlawful for any individual person, partnership, copartnership, firm, association, corporation to install, or cause to be installed, repaired or maintained communication systems, television, radio and sound systems without first applying for and obtaining an electrical installer 'C' license pursuant to this Part.

702.8.3 Qualifications.

1. **Master electrician.**

All master electrician licenses shall be renewed upon satisfactory showing of an intention to continue the business of electrical contracting as a master electrician.

Initial master electrician license. Every applicant for an initial master electrician license shall:

A. Have been a licensed journeyman electrician in the State of Pennsylvania at least two years; or

B. Have been employed as a journeyman electrician by a registered master electrician for at least two years.

2. **Journeyman electrician.**

All journeyman electrician licenses shall be renewed upon the satisfactory showing of an intention to continue the business of electrical installation as a journeyman electrician.

Initial journeyman electrician licenses. Every applicant for an initial journeyman electrician license shall:

A. Be in the employ of a registered master electrician.

B. Be registered with the Pennsylvania Bureau of Apprenticeship Training, Department of Labor.

C. Have completed at least four years of approved apprenticeship training, been instructed in subjects related to the trade not less than 144 hours per year during the four-year apprenticeship; or have worked a minimum of eight years under the supervision of a registered master electrician.

3. **Special license.** A special license shall be granted, on application, to owners of buildings within the City used for public service or commercial business that employ a special electrician.

4. **Special electrician.** The City may issue a special electrician's license to a person who:

A. Passes the required examination and tests.

B. Has qualified as a competent person to install, alter or repair electric wiring, appliances for light, heat, power and for signaling systems in or on buildings or lots in the City.

C. Who has had not less than three years of practical experience in electrical work.

D. Who is the employee of a holder of a special license as defined in clause (d) hereof.

5. **Appliance contractor.**

Initial licenses. Every applicant for an electrical equipment and appliance contractor license shall have served at least two years as a registered electric appliance installer.

6. **Appliance installer.**

Initial licenses. Those who apply for an initial appliance installer license under this section:

A. Shall be in the employ of an appliance contractor.

B. Shall have had not less than one year of practical experience in the electrical field.

C. Shall apply in writing at least 30 days prior to the time of examination and shall pay to the City Treasurer the prescribed examination fee.

D. Shall pass such examinations as the Electrical Board requires.

7. **Reciprocal license.** The following rules shall apply for issuing a reciprocal license for electrical work within the City:

A. The City shall recognize a license issued by a foreign jurisdiction of equal or greater standing than a third class city, provided that said license is issued by an equivalent Board with equivalent standards as the City of Reading.

B. License applications along with all pertinent data required by the Electrical Board shall be presented to the Electrical Board for review and determination of qualification for said license.

C. Licenses issued as reciprocating licenses shall be considered a permanent City of Reading electrical license subject to the provisions of this code.

8. **Retired license.** All persons licensed under this Electrical Code shall, on retirement from business, surrender any certificate registration (license) to the Codes Services - Building/Trades Division Office. Upon surrendering such certificate (license), the Codes Services - Building/Trades Division Office shall issue a certificate retired license which may be reinstated within a period of five years without examination, upon written request for such reinstatement to the Electrical Board.

9. **Apprentice electrician.** Any person who is registered with the Pennsylvania Bureau of Apprentice Training, Department of Labor, and who shall comply with the Department's rules and regulations. Apprentice electricians shall not be permitted to install electrical work unless under the supervision of a registered electrician.

702.8.4 Provisions and conditions.

1. All licenses covered under this code shall be issued annually and shall expire December 31.

2. All licenses may be renewed upon timely application. If the holder of a license fails to renew said license within a five-year period, the full fee must be paid for the years that the license was not renewed before a license shall be issued. Any holders renewing the license after the fifth consecutive year of nonrenewal shall be required to pass as examination administered by the Electrical Board.

3. **Farming of license.** Any license holder who allows another person to perform electrical work, secure permits, etc., using such person's license shall be in violation of this code.

4. Every master electrician engaged in the business of electrical contracting in the City and using a truck in that business, shall have printed on the left side door (driver's side), the letters "M.E." (Master Electrician License) along with the permanent license number issued or the name of person, firm or corporation and a legend depicting that he is a registered master electrician in clearly visible letters not less than two inches high.

5. Every appliance contractor engaged in the business of appliance contracting in the City and using a truck in that business, shall have printed on the left side door (driver's side), the letters "A.I.E." (Appliance Installers Electrical) along with the permanent license number issued, or the name of the person, firm or corporation and a legend depicting that he is a registered appliance contractor in clearly visible letters no less than two inches high.

702.8.5 Suspension or revocation.

1. The Electrical Board may review the status of any license issued in conformity with this code. In the event such license was partially or wholly procured by or through nondisclosure, misstatement or misrepresentation or the bearer of such license has had repeated violations of this code or a previously imposed penalty has not been met with full compliance, the Electrical Board shall determine if a license suspension or revocation may be in order.

2. The Electrical Board shall cause to be served upon such licensee by personal service or certified mail, a written notice of a hearing setting forth in specific terms and language the nature of the violation(s), the time(s) thereof and place(s) of occurrence. Such written notice shall also set forth a place, date and time where the licensee may appear before the aforesaid Electrical Board with counsel if desired, to hear sworn testimony as to the violation(s) the licensee is alleged to have committed and for which his license is subject to suspension or revocation, as the case may be. The licensee or his counsel shall be permitted to examine any witness giving testimony against him as well as being given the privilege of offering testimony or other proof or exhibits as a defense or rebuttal to the allegations. The hearing before the aforesaid Electrical Board shall not require recordation, shall be informal in nature, and shall not occur less than 30 days nor more than 90 days from the date of service of the written notice upon the licensee. In the event the licensee or counsel fail to appear at the place, date and time fixed for a hearing, the aforesaid Electrical Board shall nevertheless convene for the purpose of hearing evidence and/or testimony in order to arrive at its determination to recommend suspension or revocation of said license pursuant to the within provisions.

3. The decision of the aforesaid Electrical Board shall be rendered in writing not more than 30 days from the conclusion of the hearing to the Codes Services - Building/Trades Division Manager, who shall cause to be executed an order to be served upon licensee in the same manner provided herein for service of the written notice of hearing for the suspension or revocation of license based upon the recommendation of the Electrical Board.

(8) Section 702.9 is amended as follows:[17]

702.9 Trades reciprocity, examination and annual fees.

License fees for the following shall be as provided in Chapter 212, Fees:

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17. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Master electrician

Journeyman electrician

Special license

Special electrician

Electrical installer A

Electrical installer B

Electrical installer C

(a) Failure to obtain your license by January 31 will result in a surcharge as provided in Chapter 212, Fees.

(b) In the event that a license is lost, a replacement charge will be as provided in Chapter 212, Fees.

(9) Section 901.2.1 is amended as follows:

901.2.1 Disconnection. When a building has suffered damages as a result of a fire, the Fire Marshal and the Code Official, acting together, may judge it necessary for the safety of persons and property that the electrical service be discontinued to said building. At such time that the Fire Marshal and Code Official determine that service should be discontinued, they shall have full authority to effect a disconnection.

J. Section 1001, Unlawful acts.

(1) Section 1001.2 is amended as follows:

1001.2

No license. No person, partnership, or corporation not the holder of a license shall install, alter or repair any wiring or electrical equipment for electric light, heat or power in or on any building and no person, partnership or corporation shall cause any such work to be done by any person, partnership or corporation not the holder of such license. No person, partnership or corporation not the holder of such license shall falsely represent that her or it holds such license or shall use in any advertising the words, "Master Electrician," "Licensed Electrician" or "Electrical Contractor" or any words of similar meaning or import on any sign, card, letterhead or in any other manner.

False statements. Whoever, with intent to defraud or deceive, knowingly makes a false statement, or causes or procures to be made or aids and assists in the making of a false statement in an application for a license or the renewal of a license or in an application for certificate of electrical inspection and approval or in connection therewith, or who shall in any examination hereunder, deceive or substitute, shall be in violation of this code.

K. Section 1003, Penalties.

(1) Section 1003.1.1 is amended as follows:[18]

18. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

1003.1.1

Penalty. Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine of not less than $500 and not exceeding $1,000 for the first two offenses and not more than $5,000 for the third and successive offenses, plus costs and restitution, or in default of payment, to imprisonment for a term not to exceed 30 days. One fine per month per violation shall be assessed, except that continual and uncorrected violations that pose a threat to the public and violate the same subsection of an ordinance for the same property can be assessed at one citation per five calendar days.

Administrative fee. Any property owner who has more than two violations of this code in any twelve-month period shall be required to pay an administrative fee as provided in Chapter 212, Fees, in amounts provided for the third violation, the fourth violation and the fifth and successive violations.

L. Section 1004, Stop-Work Orders.

(1) Section 1004.1 is amended as follows:

1004.1 Service of orders and notices. Any order or notice issued pursuant to the provisions of this code may be served personally upon the person, partnership or corporation to whom or to which it is addressed, or may be served by mailing the same in a sealed envelope with postage prepaid, directed, in the case of the holder of any license, to the address furnished by him to the department of his business address and, in the case of any other person, partnership or corporation, to the premises where the defects cited in such order are alleged to exist and be posted in a conspicuous place on such premises of a copy of such notice or order. The service as above described by mailing and posting shall be the equivalent of personal service.

(2) Section 1004.3 is amended as follows:

1004.3

Failure to heed. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as he or she is directed to perform to remove a violation or unsafe condition, shall be liable to the penalty provisions as set forth in § 1003.

Prosecution. If the notice of violation is not complied with within the time therein specified or within a reasonable time determined by the Code Official or his nominee, the Code Official or nominee shall cause to be instituted an appropriate proceeding at law or in equity to restrain, correct, or abate such alleged violation as provided herein or elsewhere according to law or to require the removal or termination of the use of any electrical system in violation of the provisions of this code or of the order or direction given or made pursuant thereto.

M. Section 1101, General.

(1) Amend 1101.1 to read:

1101.1 Electrical Board. There is hereby established an Electrical Board who shall be appointed by the Mayor of the City and approved by the City Council.

(a) **Purpose.** The Electrical Board shall:

1. Make recommendation concerning all reasonable rules and regulations pertaining to this code, including rules, procedures and regulation of examinations for all license applicants.
2. Interview and test all applicants for licenses and shall report the results of all examinations that it shall administer to applicants to the Codes Services - Building/Trades Division Manager.
3. Investigate and hear all written complaints against holders of such licenses and report to the aforesaid Manager its findings and recommendations.

N. Section 1102, Membership.

(1) Amend 1102.1 to read:

1102.1 Membership. The Electrical Board shall comprise seven members, of which at least four shall be master electricians. Two members may be journeyman electricians with at least 10 years' experience as a journeyman electrician. One member may be a representative of the electrical power industry.

Term. The members of this Board shall serve for a term of six years. In the event of a failure to appoint a successor after the expiration of any member's term, such member shall continue to serve until successors are appointed.

(2) Amend Section 1102.2.

1102.2 Refer to 1102.1.

Liaison. The Code Official shall serve as a liaison of the Codes Services - Building/ Trades Division to the Board.

(3) Delete Section 1102.3.

(4) Amend Section 1102.4.

1102.4 Meetings. The members of the Board shall elect from their members a Chairman. They shall meet on the first Monday of the months of March, June, September, and December of each year, for the purpose of considering and disposing of all applications for licenses; provided, however, that when any of the days appointed for a meeting shall fall on a legal holiday, the Board shall meet on the Monday following such holiday. The Board may hold special meetings as frequently as is necessary for the proper and efficient discharge of its business, such special meetings shall be held upon 24 hours' written notice to each members of the Board, stating the purpose of such meeting. Four members of the Board shall constitute a quorum for the transaction of any and all business. It shall keep minutes of its proceedings and hearings and records of its investigations and examinations of applicants for licenses.

(5) Delete Section 1102.6.

(6) Amend Section 1102.7 as follows:

1102.7 Compensation of members. Board members will receive no compensation.

(7) Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member

to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

O. Section 1103, Procedures.

(1) Amend Section 1103.1 as follows:[19]

1103.1 Method of appeal. All appeals must be made in writing within 20 days of the decision or receipt of the order and accompanied by a fee in the amount provided in Chapter 212, Fees.

(2) Amend Section 1103.2 as follows:

1103.2 Hearings.

1. Any person aggrieved by the decision of the Code Official may appeal to the Electrical Board, which shall schedule a hearing within 20 days of receipt of the request.
2. Any aggrieved by the decision of the aforementioned Electrical Board may appeal to the Berks County Court of Common Pleas or other court of competent jurisdiction.

§ 180-703. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

§ 180-704. Provisions to be continuation of existing regulations.

The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of the repealed ordinances.

§ 180-705. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-706. Name. [Amended 12-28-2009 by Ord. No. 78-2009]

This Part shall be known as the "2009 International Electrical Code" and as the "Electrical Code" for the City of Reading.

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19. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 180-707. Enforcement.

The Electrical Code of the City of Reading shall be enforced by City of Reading Codes Services - Building/Trades Division including, but not limited to, the Electrical Inspector thereof and/or City of Reading Fire Marshal or his/her designee of the Fire Prevention Division of the City of Reading Department of Fire and Rescue.

PART 8

International Building Code

[Adopted 12-11-2006 by Ord. No. 99-2006 (Ch. 5, Part 1B, of the 2001 Code of Ordinances)]

§ 180-801. Adoption of International Building Code. [Amended 12-28-2009 by Ord. No. 78-2009]

A certain document, three copies of which are on file in the office of the City Clerk of the City of Reading, being marked and designated as the International Building Code, 2009 Edition, including Appendix Chapters A, B, E, G and J (see International Building Code, § 101.2.1, 2009 Edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Reading in the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of building and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Code Official are hereby referred to, adopted, and made part hereof, as if fully out in this Part 8, with the additions, insertions, deletions and changes, if any, prescribed in § 180-802 of this Part 8.

§ 180-802. Amendments. [Amended 9-24-2007 by Ord. No. 72-2007; 12-28-2009 by Ord. No. 78-2009; 5-10-2010 by Ord. No. 18-2010; 9-27-2010 by Ord. No. 71-2010]

The following sections of the International Building Code, 2009 Edition, a/k/a Building Code for the City of Reading, is hereby amended, revised, deleted, etc., as indicated:

A. Chapter 1, Section 101.1, is amended by deleting the words "name of jurisdiction" and the brackets surrounding that phrase and by inserting in place thereof the words "the City of Reading."

B. Chapter 1, Section 101.5, is amended by adding:

101.5 Liability insurance. Prior to the issuance of a permit to any contractor, s/he shall deposit and execute with the Code Official a certificate of insurance establishing that the contractor is currently covered by a reputable insurance company, licensed to do business in the Commonwealth of Pennsylvania, covering said contractor for property damages in the amount of not less than $50,000 for any one claim and not less than $300,000 for more than one claim.

C. Chapter 1, Section 102.4, is amended by deleting the words "the provisions of this" and substituting the words "a more stringent."

D. Chapter 1, Section 103.1, is hereby amended to read as follows: "The Codes Services Division and Trades Group thereof, in conjunction with the Fire Prevention Division of the City of Reading, Department of Fire and Rescue, by and through the Fire Marshal or his designee, known herein as "Codes Division," is hereby established and the executive in charge shall be the Property Improvement Division Manager. Where reference is made to the Code Official in this Part 8, it shall be understood to refer to the Building Official or his designee."

E. Chapter 1, Section 103.3, is amended to read as follows: The executive in charge shall appoint such number of officers, technical assistants, inspectors, and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority.

F. Chapter 1, Section 105.2, is amended by deleting No. 2, No. 6, and the words "cabinets, countertops, and similar finish work" from No. 7. Delete in its entirety "Electrical, Gas, Mechanical and Plumbing."

G. Chapter 1, Section 105.3, is amended to add No. 8 as follows: "In the case of repairs and/or alterations, the contractor who will actually perform the work as required to obtain the permit."

H. Chapter 1, Section 109.2, is amended to add as follows: **[Amended 9-12-2011 by Ord. No. 42-2011[20]]**

109.2 All tradespersons shall pay permit fees based on labor and materials, as provided in Chapter 212, Fees, prior to commencing work or performing services in or upon all premises within the City based upon aggregate cost of labor and materials:

Administrative fee

In addition to the aforesaid fee, all trade persons shall be required to pay an administrative fee as provided in Chapter 212, Fees, for each permit applied for and received. This fee is in addition to the above-listed permit fee.

As built. Should it be determined that the job costs greatly differentiate from the as-built costs to save monies on the fee for the permit, at the discretion of the Codes Services Division - Building/Trades, said persons reserve the right to undertake any and all appropriate and applicable methods including, but not limited to, commencement of legal action to obtain the difference of the fee submitted for a permit and estimated job costs and the as-built costs.

Consultation fee. In addition to the fee for a permit as set forth herein, a fee per hour as provided in Chapter 212, Fees, shall be charged for consultation either in person or via telephone with the/any Building/Trades Inspector for consultation prior to submission of plans for review and subsequent to approval of plans and issuance of permit beyond one hour total time calculated by combining time of all Building/Trades Inspector consulted on single project per above parameters.

Removal of placard. The Building Code Official, his designee or Code Official shall remove the stop-work order placard whenever the defect or defects upon which the stop-work order and placarding action were based have been eliminated and with the payment of a fee as provided in Chapter 212, Fees. Any person who conceals, covers, hides, defaces or removes a stop-work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

I. Chapter 1, Section 108.4, is amended by deleting the words "a fee established by the Building Official" and the brackets surrounding the same and in place thereof inserting "100% of the usual permit fee."

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20. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

J. Chapter 1, Section 113, is amended by deleting the same and inserting in place thereof: Chapter 1, Section 113.0:[21]

International Building/Fire Prevention Code

Board of Appeals

Rules of Procedures

Article 1. General Provisions

1.1 The International Building and Fire Code Board of Appeals of the City of Reading, Pennsylvania, shall be governed by the provisions of the 2009 International Building Code and the 2009 International Fire Code, all related amendments and by the rules of procedure.

1.2 The Board shall become familiar with all other ordinances under which it may be expected to act as well as applicable state statutes such as the Sunshine Law.[22]

1.3 Nothing herein shall be construed to grant or give to the Board the power or authority to alter or change the building, fire prevention or other related ordinances, which authority is reserved to the governing body.

1.4 Within the limits of funds appropriated by the governing body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

1.5 The legal counsel to the Board shall be consulted in cases where the powers of the Board are not clearly defined.

Article 2. Membership

2.1 **Chairman.** The Board shall annually select one of its members to serve as Chairman. The Chairman shall perform all duties required by law, ordinances and these rules; shall preside at all meetings of the Board; shall decide on all points or order and procedure, subject to these rules, unless directed otherwise by a majority of the Board.

2.2 **Secretary.** A qualified clerk shall serve as secretary to the Board. The secretary shall file a detailed record of all proceedings.

2.3 **Members.** The Board of Appeals shall consist of seven members appointed by the Mayor and confirmed by the Council of the City of Reading as follows: one for five years, one for four years, one for three years, two for two years, and two for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

2.4 **Qualifications.**

(a) Under 2009 International Building Code requirements, each member shall be a licensed engineer or architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work. Not more than two members shall be from the same profession or occupation, and at least one professional engineer shall be a structural or civil engineer with architectural engineering experience.

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21. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

22. Editor's Note: See 65 Pa.C.S. § 701 et seq.

(b) Under 2009 International Fire Prevention Code, the Board of Appeals shall consist of the following professions or disciplines:

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural and architectural experience.
3. Registered design professional with mechanical or plumbing experience; or a mechanical or plumbing contractor with at least 10 years' experience, five of which shall have been in charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

2.5 **Alternates.** The Mayor shall appoint and the Council of the City of Reading shall confirm two alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership, and shall be appointed for five years or until a successor has been appointed.

2.6 **Removal of members.** Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

Article 3. Meetings

3.1 **Notice.** The Board shall meet upon notice from the Chairman, within 30 days of the filing of an appeal, or at stated periodic meetings.

3.2 **Public notice.** The Board shall hold all meetings at specified times and places, of which public notice shall be given.

(a) All hearings before the Board shall be open to the public.

(b) Public notice of each meeting shall be given in a newspaper of general circulation within the community within 24 hours' notice prior to the time of the hearing.

3.3 **Quorum.** The Board shall modify or reverse the decision of the Building Fire Official by a concurring vote of three members.

3.4 **Postponement.** When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

3.5 **Continuances.** On its own motion, or on approval of requests by applicant, appellants or their authorized agents, the Board may provide for later continuances of cases on which hearings have begun. Such continuances shall be permitted only for good cause, stated in the motion, and, unless time and place is stated, shall require new public notice, with fees paid for by applicants if continuances are at their request or result from their actions. A notice of the place, date and time of the continued hearing shall also be posted prominently at the municipal office where the hearing will be continued.

Article 4. Order of Business

4.1 **Proceedings.** All meetings of the Board shall proceed as follows:

(a) Meeting called to order.

(b) Roll call and declaration of quorum.

(c) Announcement of outstanding decisions.

(d) Hearing of new cases.

(e) Unfinished business.

(f) New business.

(g) Adjournment.

Article 5. Board's Function

5.1 Any person shall have the right to appeal to the Board of Appeals from a decision of the Building/Fire Official refusing to grant a modification of this code covering the manner of construction or materials to be used in the erection, alteration or repair of the building or structure.

5.2 The Board shall have exclusive jurisdiction to hear and render final adjudications based on a claim that the true intent of the Building and Fire Prevention Codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction can be used.

5.3 Nothing herein shall be construed to grant or give to the Board the power or authority to alter or change the Building/Fire Prevention, or other related ordinances, which authority is reserved to the governing body.

Article 6. Hearings

6.1 **Initiating action before the Board.** All action before the Board shall be initiated by a written application for hearing accompanied with a fee in an amount provided in Chapter 212, which shall be filed with the Building Official within 20 days of the receipt of an order from the Building/Fire Official.

6.2 **Hearing schedule.** The Board will conduct hearings and make decisions. In no instance will a hearing be scheduled later than 20 days from the date of the applicant's request for a hearing, unless the applicant has agreed to an extension of time in writing.

6.3 **Notification of hearing.**

(a) Whenever a hearing has been scheduled, public notice of each meeting shall be given in a newspaper of general circulation within the community within 24 hours' notice prior to the time of the hearing. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered.

(b) Written notice shall be given to the applicant and any person who has made timely request for such notice.

6.4 Conduct of hearing. The hearing shall be conducted by the Board of Appeals.

6.5 Order of hearing.

(a) Hearing called to order.

(b) Chairman's statement of reason for hearing.

(c) Chairman's statement of parties to hearing.

(d) Identification of other parties who wish to be heard.

(e) Outline of procedures to be followed during hearing.

(f) Applicant's presentation of their case.

(i) Objectors cross-examines applicant's witnesses.

(ii) Board cross-examines applicant's witnesses.

(g) Objector's presentation of their case.

(i) Applicant cross-examines objector's witnesses.

(ii) Board cross-examines objector's witnesses.

(h) Statement of the Building/Fire Official.

(i) Applicant's cross-examination.

(ii) Objector's cross-examination.

(iii) Board's cross-examination.

(i) Other testimony and evidence.

(j) Rebuttal by applicant.

(k) Rebuttal by objectors.

6.6 Records. The Board shall keep a record of the proceedings. The minutes of the meeting and copies of graphic or written material received in evidence shall be made available to any party at cost.

6.7 Parties. The parties to the hearing shall be the municipality, any person affected by the application who has made a timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. All persons who wish to be considered parties shall enter appearances in writing on forms provided to the Board for that purpose.

6.8 Representation. All parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument, and to cross-examine adverse witnesses on all relevant issues.

(a) For purposes of this subsection, the term "counsel" shall be construed to mean a duly licensed attorney permitted to practice before the Supreme Court of the Commonwealth of Pennsylvania.

(b) Any person other than a duly licensed attorney (including, but not limited to, architects, engineers and developers) shall present a power of attorney or notarized letter executed by the party stating that the person so appearing before the Board is permitted to do so.

6.9 Witnesses. All witnesses shall testify under oath.

6.10 Evidence. The Board shall not be bound by strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

6.11 Communication. The Board shall not communicate directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials except advice from the International Building/Fire Prevention Board of Appeals Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of the hearings with any party or his representative unless all parties are given an opportunity to be present.

6.12 Decisions.

(a) The Board shall render a written decision within 30 days after the last hearing before the Board.

(b) The Board shall vote on all matters in public session at the meeting in which evidence is concluded. The Board may deliberate upon any matter in executive session provided that any vote is rendered at a public session within the allotted thirty-day time limit.

(c) All matters shall be decided by roll call vote.

(d) The Board shall modify or reverse the decision of the Building/Fire Official by a concurring vote of three members.

(e) The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and to the Building/Fire Official.

(f) No member of the Board shall vote on any matter in which he is personally or financially interested. Said member shall not be counted by the Board in establishing a quorum for such matters.

(g) No member of the Board shall vote on an adjudication of any matter unless he has attended the public hearing thereon.

(h) A copy of the final decision shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision. The Board shall provide, by mail or otherwise, to all other persons who have filed their name and address with the Board, a copy of the decision.

K. Chapter 1, Section 114.4, is amended by deleting the same and substituting in place thereof:

114.4. Penalties. Any person who shall violate a provision of the ordinance, or who shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Official, or of a permit or certificate issued under the provisions of the ordinance or any amendments thereof shall, upon conviction of a summary offense before any Magisterial District Judge, be sentenced to pay a fine of not less than $500 nor more than $1,000 plus restitution and costs, or in default of payment, to undergo imprisonment in Berks County Prison for a period not exceeding 90 days for each offense. Each day that a violation continues shall be deemed a separate offense.

L. Chapter 1, Section 116, Emergency Measures, is amended by adding:

116.1 Imminent danger. When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure or any part thereof which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the Building Official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith. The Building Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy had been prohibited by the Building Official." It shall be unlawful for any person to enter such structure except for the purpose of making the required repairs or of demolishing the same.

116.2 Temporary safeguards. When, in the opinion of the Building Official, there is imminent danger due to an unsafe condition, the Building Official shall cause the necessary work to be done to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted.

116.3 Closing streets. When necessary for public safety, the Building Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being used.

116.4 Emergency repairs. For the purposes of this section, the Building Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

116.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid from the Treasury of the jurisdiction on approval of the Building Official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located.

116.6 Unsafe equipment. Equipment deemed unsafe by the Building Official shall not be operated after the date stated in the notice unless the required repairs or changes have been made and the equipment has been approved, or unless an extension of time has been secured by the Building Official in writing.

116.6.1.1 Authority to seal equipment. In the case of an emergency, the Building Official shall have the authority to seal out of service immediately an unsafe device or equipment regulated by this code.

116.6.2 Unlawful to remove seal. Any device or equipment sealed out of service by the Building Official shall be plainly identified in an approved manner. The identification shall not be tampered with, defaced or removed except by the Building Official and shall indicate the reason for such sealing.

M. Chapter 4, Section 403, High Rise Buildings.

(1) Section 403.1, Applicability, is amended by deleting "75 feet (22,860 mm)" and substituting in place thereof "65 feet."

(2) Section 403.15, Operable windows, is amended by adding: "At least one operable window of at least 20 square feet per 50 linear feet of exterior wall or one twenty-square-foot operable window per each habitable and occupiable room not exceeding 2,000 square feet in area, or whichever is less, shall be provided as approved by the Building/Fire Officials."

N. Chapter 4, Section 404, Atriums.

(1) Section 404.3, Automatic sprinkler system, is amended by deleting "Exceptions."

O. Chapter 9, Section 901, General fire protection systems (new/change of use).

(1) Section 901.6, Supervisory service, is amended by deleting the same and substituting in place thereof:

901.6 Supervisory service. All new and existing fire protection systems (manual or automatic fire detection or suppression systems) where required by City or Pennsylvania State law, ordinance or order shall be connected to an approved central station service according to NFPA 72-2002, § 8-2.

(2) Section 901.6.1, Automatic sprinkler systems, is amended by deleting the same and substituting in place thereof:

901.6.1 Automatic sprinkler systems. All new and existing fire protections systems (manual or automatic fire detection or suppression systems) where required by City or Pennsylvania State law, ordinance or order shall be connected to an approved central station service according to NFPA 72-2002, § 8-2.

(3) Section 901.6.2, Fire alarm systems, is amended by deleting the same and substituting in place thereof:

901.6.2 Fire alarm systems. All new and existing fire protections systems (manual or automatic fire detection or suppression systems) where required by City or Pennsylvania State law, ordinance or order shall be connected to an approved central station service according to NFPA 72-2002, § 8-2.

(4) Section 901.6.3, Group H, is amended by deleting the same and substituting in place thereof:

901.6.3 Group H. All new and existing fire protections systems (manual or automatic fire detection or suppression systems) where required by City or Pennsylvania State law, ordinance or order shall be connected to an approved central station service according to NFPA 72-2002, § 8-2.

P. Section 903, Automatic sprinkler systems (new/change of use).

(1) Section 903.2.14, Use Group "B" Business, is amended by adding:

Throughout all buildings in use Group "B" an automatic fire suppression system shall be provided as follows:

I. When area exceeds 100,000 square feet; or

II. When the total combined area of all floors exceed 1,000 square feet; or

III. When the floor level of the highest story is located more than 30 feet (9,144 mm) above the lowest level of fire department vehicle access.

(2) Section 903.4, Sprinkler system monitoring and alarms, is amended by adding:

All new and existing fire protections systems (manual or automatic fire detection or suppression systems) where required by City or Pennsylvania State law, ordinance or order shall be connected to an approved central station service according to NFPA 71-2002, § 8-2.

(3) Section 903.4.1, Signals, is amended by adding:

All new and existing fire protections systems (manual or automatic fire detection or suppression systems) where required by City or Pennsylvania State law, ordinance or order shall be connected to an approved central station service according to NFPA 72-2002, § 8-2.

(4) Section 904.3.5, Monitoring, is amended by adding thereto:

NFPA — 2002 Edition, § 8-2.

Q. Section 905, Standpipe systems (new/change of use).

(1) Section 905.11, Standpipe hose valve connections, is amended adding this section:

905.11 Standpipe hose valve connections. At each floor level on the stair tower side there shall be connected to each standpipe not more than five feet above the floor level, a two-and-one-half-inch hose connection with one-and-one-half-inch reducer with chain, cap, valves and threads conforming to the City of Reading Department of Fire and Rescue standards.

R. Section 907, Fire alarm and detection systems (new/change of use).

(1) Section 907.2, Where required, is amended by deleting the words "§ 907.2.23" and substituting in place "§ 907.2.26." This section is amended by adding an additional paragraph which reads as follows:

In all buildings provided with an approved automatic sprinkler system, there shall also be provided a complete manual fire alarm system and an automatic system in all mechanical areas and all means of egress in addition to the automatic detection systems required in §§ 907.2.10.1 through and including 907.2.25.

(2) Section 907.2.9.1, Group R-2 detection systems - 10 or more dwelling units, is amended by adding:

An automatic fire detection and manual alarm system shall be installed and maintained in mechanical areas and means of egress in all buildings of use group R-2 or 10 or more dwelling units.

(3) Section 907.2.12, High-rise buildings, is amended by deleting "75 feet (22,860 mm)" and substituting in place thereof "65 feet (19,812 mm)."

(4) Section 907.2.12.1, Automatic detection, is amended by deleting the language in Subsection 1 thereof and inserting in place thereof:

In each mechanical room/equipment, electrical, transformer, telephone equipment, elevator, machine room, elevator lobbies or similar room and stair tower, exits, exit access and corridors.

(5) Section 907.2.12.3, Fire Department communication system, shall be amended by adding: "mechanical rooms."

(6) Section 907.2.24, Height and area, is amended by adding this section:

1. All buildings four or more stories in height or more than 30 feet in height or 5,000 square feet or more in area shall have an automatic fire alarm/detection system installed throughout the building, conforming to NFPA 72.

(7) Section 907.2.25, Hazardous areas, is amended by adding this section:

Smoke detectors shall be installed in the following hazardous areas in addition to a fire suppression system: trash rooms, painting rooms, laundry collection rooms, furnace room, boiler room, mechanical/electrical rooms, and rooms of similar use as determined by the Building/Fire Official.

(8) Section 907.2.26, Sprinklered buildings, is amended by adding this section:

In all buildings provided with approved automatic sprinkler systems, a complete manual fire alarm system and an automatic detection system shall be provided in all means of egress and mechanical rooms in addition to the automatic fire detections systems required in §§ 907.2.10.1 through and including 907.2.25.

(9) Section 907.14, Monitoring, is amended by deleting the language therein and inserting in place thereof the following:

All new and existing fire protections systems (manual or automatic fire detection or suppression systems) where required by City or Pennsylvania state law, ordinance or order shall be connected to an approved central station service according to NFPA 72-2002, § 8-2.

S. Chapter 10, Section 1020.1.7, is amended by deleting same and substituting in place thereof:

1020.1.7 Smoke proof enclosures. All exit stairways serving occupants located more than 65 feet above the lowest level of Fire Department vehicle access shall be protected by smokeproof enclosures.

T. Chapter 11 is amended to allow the City of Reading Building Code Official, certified as an accessibility specialist, to perform all accessibility plan reviews and inspections pursuant to § 403.141(b) of the Uniform Construction Code.[23] A fee as provided in Chapter 212, Fees, shall be charged for all accessibility plan reviews and inspections. **[Added 9-12-2011 by Ord. No. 43-2011[24]]**

U. Chapter 16, Section 1612.3, is amended by inserting "City of Reading" and "June 11, 2012."[25]

V. Chapter 30, Section 3004.1, is amended by deleting "Exception No. 1."

W. Chapter 32, Section 3202.2.4, Mechanical equipment, is amended by adding:

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23. Editor's Note: See 35 P.S. § 7210.141(b).

24. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

25. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

3202.2.4 Mechanical equipment. Mechanical equipment projecting into right-of-way area shall have a minimum clearance of seven feet zero inches above the sidewalk and 14 feet zero inches above the public roadway and shall project not more than 14 inches into the right-of-way.

X. Chapter 33, Section 3303, Special Demolition Procedure, Site Improvements and Technical Specifications.

SECTION 3303. SPECIAL DEMOLITION PROCEDURE, SITE IMPROVEMENTS AND TECHNICAL SPECIFICATIONS

I. General scope.

This specification shall require, in addition to actual demolition, the completion of necessary site improvements to insure and provide for the structural soundness and weather-tightness of structures that abut the property limits. Although no specific details or drawings are shown for properties with party and/or independent walls, all work necessary to maintain the aforementioned properties that have party walls or abutting walls, in at least their present condition of repair and appearance and provide structurally sound and adequately weathertight surfaces to new and existing exposed walls is expected to be completed by the contractor. The intent of this specification shall be to provide complete and finished abutting surfaces, and the contractor shall be required to do all work to accomplish this need, whether specifically described or not. Before commencing work, the contractor shall submit his proposed methods for accomplishing the demolitions to the Building Official for approval.

Archways and cellar ways between each building to be demolished and any adjoining building must be retained in at least their present condition.

Any damage done to the adjacent buildings shall be repaired to match the present design of said building.

The complete removal of foundation walls will be required where they are not parts of foundation walls.

Independent walls will be maintained and/or reinforced to insure their structural soundness.

All concrete basements and cellar floors shall be broken up and the debris removed so there is no pooling or trapping of water in the cellar area that might create a drainage nuisance to the adjacent properties that remain standing.

The demolition contractor, before backfilling, shall clean and properly parge adjacent foundation walls from the base of the footer to the proposed finished grade area. Any additional work which may have to be done, once the foundation walls are exposed, to protect adjacent property from any drainage nuisance shall be completed.

If the contractor discovers any unsound condition or abnormal construction technique(s) in any of the adjacent properties, he shall cease all demolitions at once and immediately notify the Building Official. After an inspection is made of the unsound or unusual condition, the Building Official shall make a determination which shall be final and binding on the contractor.

All debris from said demolition of each property shall be removed in their entirety from each project area by the contractor and dumped only at a state-licensed dumping site.

II. Nonemergency demolition.

All nonemergency demolition shall require zoning review prior to issuance of an City permit.

III. Permits.

All permits necessary to complete the work shall be properly obtained from the City. No work shall begin without such permits. Any violation of the permit provision may result in prosecution of the contractor by the City of Reading.

IV. Utilities.

A. **General.** The contractor must insure that all utilities have been turned off, disconnected, capped, and backfilled prior to starting general demolition. Fill shall be PennDOT 3A Modified Stone.

B. **Electricity, telephone, gas.** The affected utility company is responsible for severing service to the building to be demolished and for closing any street or sidewalk openings caused by such work. The demolition contractor shall provide affected utilities with a written notice informing them of the locations of all buildings scheduled for demolition. All utility services to the buildings shall be completely and properly abandoned by the appropriate utility companies before any demolition work begins. All demolition work shall be performed in a manner that will preserve, in proper operating condition, all active utilities abutting each demolition site. On partial demolitions, the contractor shall engage a licensed electrician to cut electricity.

C. **Water.** All of the water cutoffs will be accomplished prior to demolition and paid for in full by the contractor.

D. **Sewer.** All sewer and drainage systems shall be disconnected at the curb or property line (and the lateral properly sealed by the contractor) before any demolition starts. The permit required for each sewer seal must be obtained from the Building Official by a master plumber who is registered to work in the City of Reading. The excavation for the sanitary sewer lateral may be performed with power tools to a depth that will expose the sewer drain. From that point, all excavation and removal of pipe shall be done by hand.

   The pipe shall be removed to the street side of the running trap by the City of Reading registered plumber, and the opening capped. After inspection and approval by the Plumbing Inspector, backfilling shall be made in eight-inch compacted layers with a pneumatic tamp to prevent settlement of the trench. On partial demolitions, no water or sanitary line cutoffs are necessary.

V. Extermination.

In accordance with City Bill No. 37, a certificate of proof of extermination for work performed by a qualified exterminator shall be obtained by the contractor. The contractor must allow a minimum of four days to elapse after baiting for rodent control before the sealing of any sanitary sewer is undertaken, if the building is sewer connected.

VI. Cutoff cards.

Abandonment or proof-of-service cards shall be obtained from water, gas, electric, telephone, and TV cable utilities. These cards and sewer capping permits must be submitted to and approved by the Building Official located in Room 1-30, City Hall, Reading, Pennsylvania, prior to the start of demolition.

VII. Demolition permits.

Upon submission of proof of the above-mentioned compliances, the Building Official will issue the demolition permit(s) to the contractor only. Immediately after receiving the permit(s), the contractor shall make out a check made payable to the City of Reading in the full amount of said permit(s) and give it to the City Treasurer Office. The demolition permit(s) shall then be marked "Paid in Full" and dated. At that time, demolition shall proceed as soon as possible.

VIII. Traffic control.

The contractor shall place around the demolition area such barriers, barricades, lights and other signs as shall be necessary for the protection of the public and the proper control of traffic. Whenever possible, demolition trucks and/or equipment should avoid using streets where homes are still occupied.

IX. Codes.

Chapter 17, all sections and all subsections, of the 2009 International Building Code shall be strictly adhered to by the contractor and any subcontractor.

X. Projection completion.

The demolition contractor will contact the City Building Code Official for each property demolished after all work has been completed on that property. The Building Official will then inspect the work and determine if said work has been done in accordance with the technical specifications for each property. If the Building Official approves the work, he will sign off on the demolition permit.

TECHNICAL SPECIFICATIONS

I. Scope.

In accordance with the City of Reading Building Code, 2009 International Building Code, with amendments, Ord. No. 78-2009, Section 3303, the work required under this contract shall include the furnishing, by the contractor, of all labor, material, equipment, tools and services required to completely demolish:

NOTE 1:

After all of the debris has been removed, the demolition area shall be inspected by the Engineer, and given his approval, fill shall then be installed in twelve-inch compacted layers to the finish grade.

The finish grade area shall be carefully sloped so that maximum protection will be afforded adjacent properties with regard to drainage nuisances.

All fill material used shall be free from glass, metal, wood, organic, or combustible material.

A. Hazard material abatement.

Due to structural failure and unsafe condition of the aforementioned properties, no interior walkthrough inspection will be allowed. All contractors be aware the possibility that asbestos may be present and must follow the Pennsylvania Statutes and Regulations Administered by the Department of Environmental Protection listed in Section VIII, Supplementary General Conditions, Federal and State Statutes.

Any and all work pertaining to a historically significant property located within a designated district must be performed in accordance with guidelines for rehabilitating historic buildings.

B. Brick work.

i) Scope. The exposed brick walls or concrete walls abutting the properties shall all remain.

ii) Material. Brick used shall be common, red, hard-burned shale brick, and shall be laid up in common running bond. Courses shall be laid plumb, level and square. Cold weather precautions shall be adhered to, and accepted engineering practices shall prevail such as the use of re-tempered mortar, calcium chloride, proper concern for rising and falling temperatures, mortar mixtures, etc.

A header course shall be installed every seventh course.

Brick patching of joist holes and corner wall toothing shall be done in a neat manner, with watertight concave joints in a full bed of mortar. Care shall be taken not to break existing brick where they are exposed to view; these exposed bricks, if broken, shall be properly replaced. Existing chimneys shall be repaired as required, to provide a tight, draft-producing facility. The contractor will be held entirely responsible for the condition of finished work.

C. Stucco.

i) Scope. Prior to commencing stuccoing, the contractor shall remove all the plaster and any other material from the existing exposed walls to provide a clean surface for the application of stucco.

Work shall consist of toothing out and patching the remaining standing party walls of the above-mentioned buildings. This patching shall consist of patching joist holes and any other openings in the party walls which may be uncovered during the demolition and after the removal of the plaster. Permastone or stucco that is damaged on the remaining abutting buildings shall be repaired as close as possible to meet their present design.

Once the plaster has been removed from the exposed party wall(s) of the aforementioned buildings and the toothing out and patching is complete, the walls shall then be covered with an approved metal lath and three coats of approved exterior cement sand plaster. Expansion joints must be installed horizontally and vertically, not to exceed 600 square feet.

Section 2501.1 of the 2009 International Building Code, as amended by the City of Reading, and all subsections, shall be strictly adhered to.

ii) Materials. The portion of the walls to be stuccoed shall be covered with an approved galvanized metal lath, equal to 3.4 pounds, per square yard. The metal lath shall be nailed with galvanized nails. The contractor shall install galvanized steel or zinc-leveled edge expansion flange to stop stucco at front, back and top of the wall.

Mortar shall be mixed in the proportion of the 100 pounds of Portland cement to 250 pounds of sand, to which shall be added an approved water repellent such as 2 1/2 quarts of Ipanex®, or its approved equal, to each coat of mortar that is applied.

Sand shall be washed bar sand conforming with the requirement of ASTM Specification C35 and C897.

Ipanex® shall be as manufactured by IPA Systems, Inc., 2745 North Amber Street, Philadelphia, Pennsylvania 19134, or approved equal.

Finish stucco mortar shall be soft gray or cement gray in color unless an alternate color is approved by the Engineer for aesthetic purposes. An accelerator such as calcium chloride will be permitted in quantities not to exceed 2% by weight.

iii) Application. After the party or independent walls are exposed and properly prepared with regard to all openings, chimneys and any other holes or projections, scaffolding shall be erected and the plaster removed from the walls to provide a clean prepared surface for the application of stucco. Upon these surfaces, galvanized metal lath shall be installed with galvanized nails, twelve-inch on center. The metal lath shall be lapped at least one inch in each direction, and the joints of the metal lath shall be staggered. The wall shall then be moistened and two successive coats of mortar applied for a total thickness of at least one inch. The first coat (base or scratch coat) shall be applied to the dampened surface and shall be not less than 3/8 of an inch thick. The base coat shall be applied with sufficient pressure, and the stucco shall be sufficiently plastic to provide a good bond to the masonry surface. The base coat shall be scored with a metal scariffer and be allowed to dry or temper for approximately two days.

The wetness of the base coat shall be sufficient to control suction, another two days shall pass between the time the brown coat and the time the final or finish coat is applied. The final coat shall be a smooth or sand finish. The final coat shall be kept moist for three days. All precautions for cold weather applications shall be strictly adhered to. The stucco shall extend from the top of the existing asphaltic damproofing at the basement level to the underside of the roof flashing. The final coat shall be either a float finish or a fine pushup finish. The contractor shall spray a silicon waterproofing material over the finish coat of stucco after waiting a minimum of 24 hours for the finish coat to dry.

Areas on adjoining party walls that do not abut must also be stuccoed according to the technical specifications.

All necessary steps must be taken by the contractor to insure a watertight stuccoed wall. Expansion joints shall be inserted into the party walls to be stuccoed so as to divide the wall into four equal sections vertically and horizontally.

The contractor or his subcontractor shall have available at all times sufficient stuccoing crews in order to comply with the provisions of this contract on a timely basis.

The contractor shall maintain each site in a neat condition and upon completion shall clean up each site leaving same in as good a condition as existed at the start of his work.

D. Carpentry.

i) Scope. Carpentry work shall cover all phases of rough and finish carpentry required to provide complete, first-class weathertight structures abutting the demolition area, and shall include, but not be limited to, the cutting back of joists, the removal of roofing, sheathing, rafter, cornice, barge boards and similar items of finish work.

ii) Materials. Framing lumber and blocking shall be construction grade for meeting the grading standards of the West Coast Lumberman's Association.

Trim lumber, such as fascia, barge boards and finish cornice, shall be No. 2 white pine, graded according to Western White Pine Association. Plywood shall be 5/8-inch exterior grade (Marine) plywood Construction Grade One according to American Plywood Association.

iii) Construction. Rough framing and finish work shall be done in a first-class manner. The nailing schedule in § 2304.9 and Table 2304.9.1 of the 2009 International Building Code shall be strictly adhered to. After any frame buildings are demolished and the abutting frame walls exposed jack studs shall be installed where necessary to provide adequate blocking for the installation of the plywood. Fascia and cornice ends shall be installed where necessary to provide weathertight structures.

Any trim work associated with this wall completion must be completed as per specs.

E. Roofing and flashing.

i) Scope. There are various types of roofing requiring reconstruction. Roofing shall, in all cases, be extended to present an extension of the existing roof, properly flashed and caulked with an elastic caulking material or roofing cement as appropriate.

ii) Materials. Existing roof covering materials, in most cases, cannot be properly identified. However, where interlocking shingles are found, the same type of shingles with the closest color match shall be used; other materials to match existing roofing construction, as close as is practically possible, shall be furnished and placed.

Roll roofing paper shall be placed as a base cover for all roofing that is damaged and must be replaced; the roll roofing shall be thirty-pound felt, properly lapped and nailed.

Flashing shall be 16 gauge aluminum roll flashing or drip edge flashing, and shall extend continuously along the edge of the wall or roof, securely nailed and the splices coated with asphaltic roof cement.

iii) Construction. After all carpentry repairs have been completed, the roof areas shall be covered with thirty-pound felt with edges lapped and nailed. Aluminum flashing shall be extended around the roof edge and bent over the face of the wall, a reasonable and proper distance or drip edge shall be installed, whichever is proper for a particular situation. Where any openings appear, they shall be mucked with an asphalt roofing cement and the finish roofing applied.

The box gutters, where they have been disturbed or extended, shall be constructed with sheet metal, with all joints soldered and the surface given a coat of high-quality roofing paint. The color of the paint shall conform as close as possible to the existing color of the undisturbed roof.

The rain conductors that are remaining shall be extended from the pavement area to the roof area. The joints shall be soldered or riveted and held in place with standoffs and drives.

All seam or joints between wood framing and masonry joints shall be caulked with a color-matching elastic caulking compound such as Butyl or Thiokol® or its approved equal.

F. Paint.

All exposed wood surfaces shall be given two coats of paint with first-class Glidden® or equivalent exterior paint, or an approved equal, in addition to a previous primer. All knots shall be shellacked between the primer and the first coat.

G. Cleanup.

All sites.

Upon completion of all work items, the contractor shall clean up and remove from the site all debris, excess material, tools and equipment in preparation for final inspection. The City shall be informed when these preparations have been made and the premises are ready for such inspection.

Due to the fact that several areas of the adjacent properties could not be inspected, any conditions that are not mentioned in the specifications that are necessary to complete a job which is satisfactory to the Engineer in every way shall be done at no cost to the City of Reading.

H. Mechanical improvements - not applicable.

I. Backfilling and grading.

The lot shall be graded in such manner that no ponding of water shall occur and at no time shall any water drain onto the back, front, or sides of adjacent properties. All outside steps shall be removed from the properties to be demolished. Sidewalk at rear of property to be removed. All concrete basement floors shall be punched open as to allow for water drainage and nonponding of water. After all debris has been removed and the demolition area inspected by the Engineer, all excavations shall be backfilled, with clean fill, such as fine-crushed shale or its approved equivalent, in twelve-inch compacted layers, i.e., free from glass, metal, wood, organic or combustible material. Each area will then be spread four inches over with 2A Modified Stone.

J. Parging.

i) Scope. After demolition and proper cleaning out of the cellar areas of:

The foundation walls of the above-mentioned adjacent properties are exposed, they shall be cleaned of loose dirt, lime white wash, or any other debris on the walls as much as is practically possible. The adjacent foundation walls shall be properly cemented parged from the base of the footer to the proposed finished grade area.

ii) Then the cement shall be applied and left to dry for at least one day. Then a foundation sealer shall be applied and left to dry for an additional day.

iii) Materials. The damp-proofing shall be done with a number one grade foundation coating which is impervious to water.

iv) After the second coat is properly dried, the cellar areas of the above-mentioned properties shall be properly backfilled to the proposed finish grade, only after being inspected by the Engineer.

Any additional work which may have to be done when the foundation walls are exposed which is necessary to protect the adjacent property(ies) from any drainage nuisance shall be paid for entirely by the demolition contractor.

Intent. The intent of this section on parging of foundation walls is to prevent moisture from oozing through the foundation walls of the remaining adjacent properties.

The responsibility to see that this parging is done completely and satisfactorily in every respect, whether specifically described or not, will be the obligation of the successful contractor.

The City of Reading and its employees shall be held harmless and relieved from any responsibility whatsoever by the contractor from lawsuits, etc., regarding damage of any kind to adjacent properties.

K. Sidewalks and curbs.

These properties require the sewer and water lines to be cut off at the street and then patch in two sidewalk squares measuring approximately four feet by four feet each.

It is the intent of this provision of the contract that all existing sidewalks and curbing abutting the structures being demolished shall be left in at least their present condition of repair and appearance. Once demolition and site clearance have been accomplished, any sidewalks and curbing damaged beyond present condition shall be repaired, if necessary, in conformance with standards adopted by the City of Reading, as determined by the Engineer for this contract. Any openings in the pavement of properties to be demolished shall be filled in with 2A modified stone and a layer of four inches of concrete applied on top, flush with level of existing sidewalk.

L. Trees - not applicable.

M. Grocer's alley.

The party wall abutting the grocer's alley shall be left standing in order to retain the cellarway between the two properties. A roof shall be constructed over the grocer's alley in such manner that it conforms with the roofing and flashing requirements of Section D, Technical Specifications. The roof shall be constructed with a slope which assures proper runoff. The cement walk in the grocer's alley shall be repaired or replaced as necessary as per the project engineer. Some attention to existing stress cracks may warrant tiebacks or pinning to be installed.

N. Chimneys.

Where party chimneys exist, the brick in the entire chimney shall be repaired so as to assure weather-tightness, and then the entire chimney stuccoed as per the stucco specifications in Section C.

O. Reinforcing rods.

When demolition under this contract involves properties with party walls, then the contractor shall reinforce the structural stability of all party walls as follows: run all 3/4-inch threaded steel-reinforcing rods through a minimum of three floor joists, or attach the rods to the floor joists by hanger, a distance of every four feet apart at the second and third floor levels. Solid blocking shall be placed in between each joist that is tied with reinforcing rods; eight-inch-by-eight-inch fishplates shall be installed on both ends of all reinforcing rods. All installations must be inspected and approved by the Engineer prior to closing up wall or floor area.

P. Asbestos - See Section A, Hazard material abatement.

Q. Garage - not applicable.

R. Fencing.

Fencing requirements will be determined at the on-site inspections of the pre-bid.

S. Party wall - not applicable.

T. Fire escape - not applicable.

V. Securing of demolition site.

The contractor shall demolish the structure in a safe and suitable manner to the general public. The site must be secured from public entry by a six-foot to eight-foot high chain-link fence or solid barrier as approved by the Building Inspector.

W. DEP and EPA approvals.

Contractor is responsible to obtain all DEP and EPA permits at contractor's expense.

Y. Chapter 34, Section 3410.2. Insert "1978."

§ 180-803. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in Part.

§ 180-804. Provisions to be continuation of existing regulations. [Amended 12-28-2009 by Ord. No. 78-2009]

Nothing in this Part or in the 2009 International Building Code, also known as the "Building Code for the City of Reading," as hereby adopted, shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; under any act or ordinance as repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 180-805. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-806. Title. [Amended 12-28-2009 by Ord. No. 78-2009]

This Part shall be known as the "2009 International Building Code" and as the "Building Code" for the City of Reading.

§ 180-807. Enforcement.

The Building Code of the City of Reading shall be enforced by City of Reading Codes Service Division - Building/Trades and/or City of Reading Fire Marshal or his/her designee of the Fire Prevention Division of the City of Reading Department of Fire and Rescue.

PART 9

International Plumbing Code

[Adopted 12-26-2006 by Ord. No. 106-2006 (Ch. 5, Part 2, of the 2001 Code of Ordinances)]

§ 180-901. Adoption of International Plumbing Code. [Amended 12-28-2009 by Ord. No. 78-2009]

A certain document, three copies of which are on file in the office of the City Clerk of the City of Reading, being marked and designated as the International Plumbing Code, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Reading in the Commonwealth of Pennsylvania for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing, heating, and cooling systems and installing appliances and fire sprinkler systems in the City of Reading; providing for administration, enforcement, licensing, collection of fees, penalties for violation and amendment of the standards set forth in said Code, as published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified or amended, if any, prescribed in § 180-902.

§ 180-902. Amendments. [Amended 9-24-2007 by Ord. No. 72-2007; 12-28-2009 by Ord. No. 78-2009; 3-22-2010 by Ord. No. 11-2010; 5-10-2010 by Ord. No. 18-2010; 8-9-2010 by Ord. No. 51-2010; 12-27-2010 by Ord. No. 106-2010]

The following sections of the International Plumbing Code, 2009 Edition, a/k/a Plumbing Code for the City of Reading, is hereby amended, revised, deleted, etc., as indicated:

A. Administration.

(1) ADM 101.1, Title, is amended to read as follows:

This code shall be known and may be cited as the "Plumbing Code of the City of Reading, Pennsylvania," hereinafter referred to as "this code."

(2) ADM 101.5, is amended to read as follows:

101.5 Jurisdiction. The jurisdiction of this code shall commence at the curbline or property line into and through the property including all lots, dwellings, etc., within the City of Reading.

Exception. The jurisdiction shall be extended to include all work performed in the street and/or right-of-way performed by a plumber within the City of Reading.

(3) Section 103, Department of Plumbing Inspector.

(a) ADM 103.2A Plumbing Inspector, is amended to include as follows:

103.2A Plumbing Inspector. The Plumbing Inspector shall be designated as the Code Official.

(a) **Eligibility.** The Department of Plumbing Inspection is established under the Commonwealth of Pennsylvania Legislation [Par. Amended Jan. 18, 1952 (1951), PL 2092, No. 592]. The Mayor of said City is hereby authorized and required to appoint a practical plumber of at least 10 years' experience and not engaged or connected directly or indirectly with the plumbing business as Plumbing Inspector, whose duty it shall be to supervise, superintend and inspect all plumbing, house and building drainage, in conformity with the provisions of this Act.

(b) It shall be the duty of the City of Reading Plumbing Inspector to administer and enforce the provisions of the City of Reading Plumbing Ordinance.[26]

(c) The City of Reading Plumbing Inspector shall, in order to be eligible for appointment, have had not less than 10 years' practical experience as a master plumber in the City of Reading.

(d) The Plumbing Inspector or his assign shall serve as chief proctor for conducting tests and examinations for all classes of licenses herein described.

(e) Shall not engage in any activities contrary to the provision of this code, nor shall engage in any activities creating a conflict of interest.

(4) Section 104, Duties and powers of the Code Official.

(a) ADM 104.3.1 Licenses, is amended to read as follows:[27]

104.3.1 Licenses. All persons engaged in plumbing, heating and cooling, appliance contractor and installer and fire sprinkler contractor and installer work as defined and covered by this Part are required to be licensed and shall operate within the limitations imposed by their respective licenses. It shall be unlawful without license for any person, firm or corporation to, or cause to, install, construct, erect, alter, repair, improve, convert, move, use or maintain any plumbing system within the City.

(a) **General license information.** License fees for the following shall be as provided in Chapter 212, Fees:

Master plumber

Journeyman plumber

Appliance contractor plumbing

Appliance installer plumbing

Sprinkler contractor

Sprinkler installer

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26. Editor's Note: See Part 9, International Plumbing Code.

27. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

1. All licenses covered under this code shall be issued annually and shall expire on December 31.
2. All licenses may be renewed upon timely application. If the holder of a license fails to renew said license within a five-year period, the full fee must be paid for the years that the license was not renewed before a license shall be issued. Any holders renewing the license after the fifth consecutive year of nonrenewal shall be required to pass an examination administered by the Plumbing Board.
3. All license and examination fees must be paid to the City of Reading, Pennsylvania, prior to the issuance of said license or examination and are nonrefundable.
4. Application for an initial license of whatever class shall be made in writing and shall furnish such information as the Plumbing Board may require. License applicants must be 18 years of age or older.
5. Applicants for an initial license of whatever class shall pass with a grade of 70% an examination administered by the Plumbing Board.

(b) **Qualifications for obtaining a license.**

1. **Master Plumber License.**

   All applicants for a master plumber's license shall:

   A. Hold a valid journeyman plumber license.

   B. Shall have been employed as a journeyman plumber by a registered master plumber for at least two years.

2. **Journeyman Plumber License.**

   All applicants for a journeyman plumber's license shall be employed by a registered master plumber and registered with the Pennsylvania Bureau of Apprenticeship Training, Department of Labor. He shall have completed at least four years of approved apprenticeship training, been instructed in subjects related to the trade not less than 216 hours per year during the four-year apprenticeship and have been approved by the Local Apprenticeship Committee according to National Apprenticeship Standards, or while employed by a registered master plumber and registered with an apprenticeship training program comparable to the foregoing program, he shall have completed at least four years of approved apprenticeship training in such program, or he shall have served an apprenticeship of not less than eight years under the supervision of a registered master plumber.

3. **Apprentice plumber.**

   Apprentice plumbers shall be employed by a registered master plumber and shall be registered with the Pennsylvania Bureau of Apprenticeship Training, United States Department of Labor. Apprentice plumbers shall not be permitted to install plumbing, heating or house drainage work unless under the supervision of a registered plumber.

4. **Appliance contractor license.**

   All applicants for an appliance contractor license shall have served at least two years as a registered appliance installer.

Appliance contractors are limited to installation of the following: domestic clothes-washing machines (water connections only), water conditioners, domestic hot water heaters, garbage disposals (replacement only), icemakers, coffee urns, etc., provided there is no installation of, or modification to, the existing plumbing and drainage process. All plumbing-connected appliances shall require indirect waste piping only and shall comply with City of Reading Plumbing Code regulations.

5. **Appliance installer license.**

All applicants for an appliance installer license shall be in the employ of a registered appliance contractor.

6. **Fire sprinkler contractor license.**

All applicants for a fire sprinkler contractor license shall obtain a certificate of fitness from the Fire Marshal of the City of Reading.

7. **Fire sprinkler installer license.**

All applicants for a fire sprinkler installer license shall obtain a certificate from the AFSA (American Fire Sprinkler Association) or the NFSA (National Fire Sprinkler Association), and be in the employ of a licensed fire sprinkler contractor.

(c) **Reciprocal license.**

A reciprocal license may be issued if the applicant holds an equivalent license from a first, second, or third class city of the United States, issued by an equivalent board of examiners, whose qualifications and standards are equal to that of the City of Reading, Pennsylvania, and shall have paid the prescribed fee pursuant to a written application.

(d) **Retired license.**

(a) All licensees, upon retirement from business, shall surrender said license to the Code Service Division of the City of Reading, Pennsylvania. Upon written request to the Plumbing Board, a license covered under this code may be fully reinstated within a period of five years of retirement without reexamination.

(b) If the holder of a retired license wishes to reactivate a retired licensed within a five-year period, the full fee must be paid for the years that the license was retired. All requests for reactivation must be made in writing to the Plumbing Board.

(c) All persons reactivating a retired license after the fifth year of retirement shall be required to pass an examination administered by the Plumbing Board.

(e) **Conditions and provisions for maintaining a license.**

1. Applicant shall secure a license within 30 days of examination result notification.

2. It is prohibited for any licensee to allow the use of said license by any other person or to obtain a permit for work to be performed by an unlicensed person.

3. All persons licensed under this code shall give immediate notice of any change in address or place of business.

4. Prior to the issuance of a master plumber license, appliance contractor license or a fire sprinkler contractor license, the applicant shall submit to the Code Service Division, City of Reading, a certificate of insurance establishing that the master plumber is currently insured by a reputable insurance company acceptable to the Code Service Division, City of Reading, covering said master plumber for property damages in the amount of not less than $50,000 for any one claim, and not less than $100,000 for multiple claims arising from the same undertaking, as well as public liability insurance in the amount of not less than $100,000 from any one claim and not less than $300,000 for more than one claim arising from the same undertaking. The Pennsylvania League of Cities and Municipalities requirements go into effect on August 31, 1993. Act 44 requires the submission to the municipality of "proof of workers' compensation insurance" or an affidavit that insurance is not required before issuing a permit. Said certificate shall be for continuous coverage unless cancelled by said insurance company, at which time, the Code Service Division, City of Reading, shall be notified in writing by said insurance company.

5. All vehicles used for plumbing work in the City shall have lettered or imprinted with letters and numbers no less than two inches high on the driver's door the plumbing license number issued by this City and preceded by the letters "MP."

6. Every appliance contractor engaged in said business of appliance contracting in the City of Reading, and using a truck in that business, shall have printed on the left side door (driver's side), the letters ACP (Appliance Contractor Plumbing) along with the permanent license number issued, and the name of the person, firm or corporation, and a legend depicting that he is a registered appliance contractor in clearly visible letters no less than two inches high.

(f) **Suspension and revocation of license.**

1. The Plumbing Board of Examiners and Standards may suspend or revoke any license issued in conformity with this code in the event said license was partially or wholly procured by or through nondisclosure, misstatement or misrepresentation, or repeated violations of this code or if a previously imposed penalty shall not have met with full compliance. "Repeated violations" is hereby defined as a minimum of three separate offenses under this code within a calendar year for which the licensee or offender has either pleaded guilty or has been found guilty by a Magisterial District Judge or other court of competent jurisdiction.

2. The Plumbing Board of Examiners, prior to invoking a suspension or revocation of a license, shall first cause to be served upon said licensee by a personal service or certified mail, a written notice of suspension or revocation of license as the case may be, setting forth in specific terms and language the nature of the repeated violations, the times thereof and places of occurrence. Said written notice shall also set forth a place, date and time where the licensee may appear at a hearing before the Board, with counsel if desired, to hear sworn testimony as to the repeated violations the licensee is alleged to have committed and for which his license is subject to suspension or revocation as the case may be.

3. Licensee or his counsel shall be permitted to examine any witness giving testimony against him as well as being given the privilege of offering testimony or other proof or exhibits as a defense or rebuttal to allegations. The hearing before the Board shall not require recordation, shall be informal in nature, and shall not occur less than 30 days nor more than 90 days from the date of service of the written notice upon the licensee. The decision of the Board shall be rendered in writing, not more than 30 days from the conclusion of the hearing and shall be served upon licensee in the same manner provided herein for service of the written notice of hearing. In the event licensee or counsel fail to appear at the place, date and time fixed for a hearing, the Board shall nevertheless convene for the purpose of hearing evidence and/or testimony in order to arrive at its determination pursuant to the within provisions. Notice of the Board's decision shall be served upon the licensee as hereinabove set for just as if he and/or his counsel had appeared at the hearing.

(b) ADM 104.5, Right of entry, is amended to read as follows:

104.5 Right of entry.

(a) **Entry by Code Official.** In the discharge of his duties, the Code Official or his authorized representative shall have the authority to enter, at any reasonable hour, any building, structure or premises in the jurisdiction to enforce the provisions of this code.

(b) **Notice of inspection.** When entry by the Code Official to any building, structure or premises has not been possible, a notice of inspection shall be issued to the property owner or representative of the owner.

(c) **Rescheduling of inspections.** If the owner or representative of the owner cannot be available at the proposed time, said owner or representative shall provide no less than twenty-four-hour written notice to the Code Service Division Office. Upon failure to give such written notice or upon failure to gain entry, an administrative fee as provided in Chapter 212, Fees, will be assessed the owner or representative of the owner for failing to supply written notice or to appear. For each rescheduling beyond the second rescheduling, an administrative fee as provided in Chapter 212, Fees, shall be assessed in all cases.

(d) **Refusal of entry.** If any owner, occupant or other person in charge of a structure subject to the provision of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this code is sought, the administrative authority shall promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is reasonable or probable cause to conduct an inspection. For the purposes of this section, a reasonable or probable cause to gain access for an inspection shall include without being limited to the following:

1. That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the City.

2. That the Code Official, after investigation or upon information received, has knowledge, information or a reasonable belief that a violation of this code or other codes and ordinances of the City exist.

3. That such entry is for the purpose of inspecting a previous notice of violation.
4. That the Code Official has received a complaint concerning a violation on or within the premises.
5. That such entry is necessary to determine if the building, structure, premises, dwelling, or dwelling units meet code standards.

(c) ADM 104.9, Administrative authority, is amended to read as follows:

104.9 Administrative authority. The administrative authority shall be the City of Reading Plumbing Inspector, and the City of Reading Plumbing Board of Standards and Examiners duly appointed by the jurisdiction and having authority to administer and enforce the provisions of this code as adopted or amended. The City of Reading Plumbing Inspector shall be the Code Official of this code.

(5) Section 106, Permits.

(a) ADM 106.3 Applications for permits, is amended to read as follows:[28]

106.3 Applications for permits.

Application for permits shall be made by a person holding a current master plumber's license issued by the Code Service Division of the City of Reading. Each shop must a have a master plumber assigned to apply for permits from Codes Service Division for the City of Reading. There can be only one master plumber in any one shop to pull permits. All shops shall give immediate notice of any change in person holding master licensed authorized to apply for permits for that shop. Every master plumber shall be permitted to apply for/pull permits from the Codes Services Division for only one shop. A master plumber shall not be permitted to apply for/pull permits for more than one shop at any given time.

(b) ADM 106.3.1, Plans, is amended to read as follows:

106.3.1 Plans.

One or more sets of plans shall be submitted with each permit application. The plans shall contain all the engineering calculations, drawings, diagrams, and other data as required for approval. The administrative authority may also require that the plans, drawings, diagrams and calculations be designed by an engineer and/or architect licensed by the state in which the work is to be performed.

Except that the administrative authority may waive the submission of plans and other data, provided it is determined that the nature of the work covered by the permit does not require plan review to obtain code compliance.

(c) ADM 106.5.3, Permit expiration, is deleted and the section and amended to read:

28. Editor's Note: Original Subsection A(5)(a), ADM 106.4 Process of Obtaining Licenses and Permits, which immediately preceded this subsection, was repealed during codification (see Ch. 1, General Provisions, Part 2).

106.5.3 Permit expiration. Every permit issued by the Code Official in accordance with provisions of this code shall expire and become null and void when such work authorized by the permit has not commenced within six months from the date of issuance or if such work is incomplete or abandoned for a period of 180 days after commencement of such work. In order for such work to recommence, a new permit shall be obtained. The Code Official may grant an extension of time to any permit providing the request is in writing by the permit holder and time frame does not exceed one year from the date of issuance.

(d) ADM 106.6.2, Fees schedule, is amended to read as follows: **[Amended 9-12-2011 by Ord. No. 42-2011[29]]**

106.6.2 Fees schedule.

Permit and license fees shall be determined by City Council.

All tradespersons shall pay permit fees based on labor and materials as provided in Chapter 212, Fees, prior to commencing work or performing services in or upon all premises within the City based upon aggregate cost of labor and materials:

Penalties. Commencement of a project without a permit or in excess of a permit will result in a charge of 100% of usual permit fee in addition to normal fee (or doubling of the cost of the permit fee).

Administrative fee.

In addition to the aforesaid fee, all tradespersons shall be required to pay an administrative fee as provided in Chapter 212, Fees, for each permit applied for and received. This fee is in addition to the above-listed permit fee.

As-built. Should it be determined that the job costs greatly differentiate from the as-built costs to save monies on the fee for the permit at the discretion of the Codes Services Division - Building/Trades, said person reserves the right to undertake any and all appropriate and applicable methods including, but not limited to, commencement of legal action to obtain the difference of the fee submitted for a permit and estimated job costs and the as-built costs.

Consultation fee. In addition to the fee for a permit as set forth herein, a fee per hour as provided in Chapter 212, Fees, shall be charged for consultation either in person or via telephone with the any Building/Trades Inspector for consultation prior to submission of plans for review and subsequent to approval of plans and issuance of permit beyond one hour total time calculated by combining time of all Building/Trades Inspector consulted on single project per above parameters.

Removal of placard. The Building Code Official, his designee or Code Official shall remove the stop-work order placard whenever the defect or defects upon which the stop-work order and placarding action were based have been eliminated and with the payment of a fee as provided in Chapter 212, Fees. Any person who conceals, covers, hides, defaces or removes a stop-work order placard without the approval of the Building Code Official shall be subject to the penalties provided by this code.

(e) ADM 106.6.3, Refunds, is amended to read as follows:

29. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

2. Is amended by deleting the word "percentage" and the brackets surrounding the phrase and by inserting in place thereof the language "80% of the permit fee, excluding the $2 administrative fee."
3. Is amended by deleting the word "percentage" and the brackets surrounding the phrase and by inserting in place thereof the language "0% (no refund shall be issued for plan review)."

(f) ADM 106.6.4, Homeowner clause, to read as follows:

106.6.4 Homeowner clause. Notwithstanding anything contrary to the provisions of this code, a permit may be issued to the qualified owner-occupant of a single-family dwelling in the City of Reading, used exclusively for the living purposes, provided that the person is the bona fide owner and that said owner will personally perform all labor in connection therewith said permit, provided there is no modification or alteration to the sanitary sewer system or effect upon or alteration of the house drainage system.

The scope of work is limited to water piping (inside only) and rain leaders only, and shall be in full compliance with the City of Reading Plumbing Code regulations.[30]

A permit shall be secured from the Codes Service Deptartment and approved by the Plumbing Inspector prior to commencing work, and an inspection shall be performed prior to concealment.

(6) Section 108, Violations.

(a) ADM 108.4, Penalties. Delete section and amend to include as follows:

108.4 Penalties. Any person who shall violate any provision of this code shall, upon conviction thereof, be guilty of a summary offense, sentenced to pay a fine of not less than $500 and not exceeding $1,000 for the first two offenses, and not more than $5,000 for the third and successive offenses, plus costs and restitution, or in default of payment, to imprisonment for a term not to exceed 30 days. One fine per month per violation shall be assessed, except that continual and uncorrected violations that pose a threat to the public and violate the same subsection of an ordinance for the same property can be assessed at one citation per five calendar days.

(b) ADM 108.7.1, Authority to condemn, is amended to include as follows:

108.7.1 Authority to condemn.

Any order or notice issued pursuant to the provisions stated in this code may be served personally upon the person, partnership or corporation to whom or to which it is addressed, or may be served by mailing the same in a sealed envelope with postage prepaid, directed, in the cast of the holder of any license, to the address furnished by him to the department of his business address and, in the case of other person, partnership or corporation, to the premises where the defects recited in such order are alleged to exist and by the posting in a conspicuous place on such premises of a copy of such notice or order. The service as above described by mailing and posting, shall be the equivalent of personal service.

30. Editor's Note: See Part 9, International Plumbing Code.

If the notice of violation is not complied with within the time therein specified or within a reasonable time determined by the Code Official or his nominee, the Code Official or nominee shall cause to be instituted an appropriate proceeding at law or in equity to restrain, correct, or abate such alleged violation as provided herein or elsewhere according to law or to require the removal or termination of the use of any plumbing system in violation of the provisions of this code or of the order or direction given or made pursuant thereto.

(7) Section 109, Means of Appeal.

(a) ADM 109.1A, Appeal, is amended to read as follows:[31]

109.1A Appeal. Any person aggrieved by the decision of the Plumbing Inspector may appeal in writing within 20 days to the Plumbing Board for a review of said decision. A fee in the amount provided in Chapter 212, Fees, shall be payable for each appeal and is due at the time of submission of application for appeal. The Board Chairman shall afford the person a hearing within 20 days and shall give written notice of the time and place of said hearing.

(b) ADM 109.2A, Plumbing Board, to read as follows:

109.2A Plumbing Board. There is hereby established a Plumbing Board of Standards and Examiners whose members shall be appointed by the Mayor and approved by City Council. The Plumbing Inspector shall serve as liaison officer to the Plumbing Board and attend all meetings.

(a) **Membership.** The Plumbing Board shall consist of seven members, of whom all shall be master plumbers. Except that, one may be from a related industry. In the event of a failure to appoint a successor after the expiration of any member's term, such member shall continue to serve until a successor(s) is duly appointed.

(b) **Term of office.** The appointed members of the Board shall serve for a term of six years in such a manner of original appointment that the terms of three members shall expire December 31 of year one and the terms of the other four members shall expire December 31 of year three.

(c) **Meetings of the Board.** The Plumbing Board shall hold its first meeting not later than 30 days after the effective date of this Part, and thereafter, the Board shall meet at such intervals as may be necessary for the performance of its duties; providing, however, that normal meeting dates shall be the second Wednesday of January, April, July, and October of each calendar year.

(d) **Function of the Board.** The Plumbing Board of Standards and Examiners shall make all reasonable rules and regulations pertaining to the National Standard Plumbing Code to the City of Reading Plumbing Inspector for Council's adoption. They shall make reasonable rules and regulations governing its procedures, and similarly establish standards and procedures for the qualifications, examination and licensing of master plumbers, journeyman plumbers, appliance contractors and installers and fire sprinkler installers and recommend qualified applicants for issuance of license to the Plumbing Inspector. In addition, said Board shall convene at the instance of the Board Chairman for the purpose of holding hearings concerning the suspension and/or revocation of licenses hereinafter provided. There shall be a quorum of four members in attendance in order for the Plumbing Board to conduct business.

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31. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(e) **Removal of members.** Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

(c) ADM 109.4, Hearing, is amended to include as follows:

109.4 Hearing. Any person aggrieved by a decision of the Code Official or a notice or order issued under this code shall request in writing a hearing before the Plumbing Inspector within 10 days of receipt of the notice or order. The Plumbing Inspector shall schedule a hearing to take place within 15 days and shall give written notice of the time and place of said hearing.

B. Chapter 3, General Regulations.

(1) Section 301.9, Water closets (existing work only). No water closets may be installed to an existing unvented house drain or soil and waste drain unless all of the following conditions are present:[32]

(a) Provisions to be continuation of existing regulations. The provisions of this Part, as far as they are the same as those or ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The installation marked provisions for a future vent.

(b) The outlet for the water closet will not be more than eight feet from the house drain.

(c) The invert of the branch is at least three-fourths the size of the house drain above the invert of the house drain.

(d) The branch will not be taken off the house drain within three feet of the downstream side of the soil and waste stack, nor within the eight feet of the main house trap, nor extended beyond the end of the existing house drain.

(2) Section 301.10, Full bath-basement-cellar areas. The requirements for this type installation shall be the same as for water closet additions, with the exception that the maximum distance for a bathtub or lavatory shall not exceed 12 feet from the house drain.

(3) Section 301.11, Traps and vents; traps. Anti-siphon or resealing traps for use in connection with repairs or alterations of existing buildings may be used if the combined total length of the waste line does not exceed 30 feet and enters the soil line on the same floor level at which the fixture is connected; the exception to this ruling

32. Editor's Note: Original Subsection B(1), Section 301.8, Existing work, which immediately preceded this subsection, was repealed during codification (see Ch. 1, General Provisions, Part 2).

being, a sink connection on the first floor connected to the basement house drain, where the total developed length is not to exceed 12 feet.

(4) Section 301.12, Handicap fixtures, is amended to include as follows:

Plumbing fixtures for the handicapped shall conform to the requirements of the Commonwealth of Pennsylvania, Department of Labor and Industry, Regulations for Buildings and Facilities Usable by the Physically Handicapped, Americans With Disabilities Act.

(5) Section 301.13, Cast iron, is amended to include as follows:

The use of cast iron to plastic back to cast iron is prohibited.

(6) Section 301.14, Sinks, is amended to include as follows:

All food establishments must have a three-bay sink, interceptor trap and hand sink (no exceptions any size business, small or large).

(7) Section 301.15, Toilets facilities, is amended to include as follows:

All food establishments that have table and chairs must have male and female toilet facilities (each table counts as four).

(8) Section 305, Protection of pipes and plumbing system components.

305.6.1 Sewer depth. Insert "42 inches water" and "48 inches sewer," respectively.

(9) Section 312, Inspections, is amended to include as follows:

312.1.2 For a required morning inspection, please call the Codes Services Division by 9:00 a.m. at 610-655-6312.

312.1.3 For a required afternoon inspection, please call the Codes Services Division by 1:00 p.m. at 610-655-6312.

C. Chapter 4, Fixture standards.

(1) Section 420.3, Water closet seats, is amended to read as follows:

420.3 Water closet seats. Seats for water closets shall be of smooth, nonabsorbent (white only in commercial premises) materials and be properly sized to fit the water closet bowl, and seats match color of fixture. Except in dwelling units, seats shall comply with ANSI 124.5.

D. Chapter 5, Water heaters.

(1) Section 502, Installation.

(a) Section 502.5, Water heaters, amended to read as follows:

502.5 Water heaters. All water heaters must have cement pads under them (everywhere) except if they have legs on two inches or more, pad must be installed.

E. Chapter 6, Water supply and distribution.

(1) Section 601, General.

(a) Section 601.5, Water supply to buildings, to read as follows:

601.5 Water supply to buildings. No building designed for human occupancy shall be occupied prior to the setting of the water meter as per City of Reading Water Authority regulations. Only City of Reading water can be used on any property with in the City of Reading (no wells are permitted).

(b) Section 601.6, Emergency domestic water supply, to read as follows:

601.6 Emergency domestic water supply.

(a) Building agents requesting emergency water supply shall first comply the Bill 53, City of Reading Water Authority regulations, enacted December 31, 1975, or updated version stating:

No consumer, excepting with the written consent of the City of Reading Water Authority, previously obtained, will be allowed to furnish water to other persons or to suffer such other persons to take it themselves; provided, however, that water may be supplied without such written consent in order temporarily to relieve consumers having frozen or broken water pipes, or whose supply may be cut off by similar emergencies.

(b) An emergency water supply serving a distressed building shall be protected against backflow or back-siphonage by two spring-activated check valves or equal. Emergency piping shall consist of rigid steel, at 150 psi and 160° working conditions. Emergency service shall be connected to a source made available by the City of Reading Water Authority.

(2) Section 603, Water service.

(a) Section 603.1.1, Water service piping, to read as follows: **[Amended 3-23-2015 by Ord. No. 14-2015]**

603.1.1 Water service piping. Water service pipe to point of entrance to the building shall be made of brass pipe, copper tube, type K minimum with flare fitting, cast iron water pipe or galvanized steel pipe (no plastic piping for water service or meter setup). All threaded ferrous pipe and fittings shall be galvanized or cement-lined and when used underground in corrosive soil or filled ground, shall be coal-tar enamel coated and threaded joints shall be coated and wrapped when installed. No curb or meter box for water service shall be located in any driveway or ramp area.

(a) PEX or plastic water type piping may be installed consistent with the provisions of the Pennsylvania Uniform Construction Code and the Building and Trades Department Guidelines for the installation of PEX or plastic type piping which are attached as Exhibit 3[33] to this section.

(3) Section 605, Materials, joints and connections.

(a) Section 605.3A, Water service pipe. Insert:

605.3A Water service pipe. Only type L copper or galvanized pipe may be used in existing buildings. CPVC, type L copper pipe can be used on new construction.

F. Chapter 7, Sanitary drainage piping.

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33. Editor's Note: Exhibit 3 is on file in the City offices.

(1) Section 702.1, Soil and waste piping aboveground in buildings, is amended to read as follows:

702.1 Soil and waste piping aboveground in buildings. All soil and waste piping aboveground in buildings shall be of brass pipe, copper pipe, copper tube DWV weight or heavier, cast iron soil pipe, galvanized steel pipe, ABS or PVC DWV plastic pipe, schedule 40 minimum.

(2) Section 702.2, Underground building sanitary drains, is amended to read as follows:

702.2 Underground building sanitary drains. All underground building drains shall be cast iron soil pipe, or PVC DWV plastic pipe, schedule 40 minimum. All PVC-type piping shall be laid in six-inch minimum sand or screening bed and covered with twelve-inch minimum screening or sand. No-hub piping shall not be used underground

(3) Section 702.3, Building sanitary sewer (private property mains), is amended to read as follows:

702.3 Building sanitary sewer (private property mains). Sewer pipe material shall be cast iron, concrete; ABS or PVC, schedule 40 minimum. Joints underground shall be watertight and rustproof.

G. Chapter 9, Vent piping.

(1) Section 901.

(a) Section 901.7, Aboveground, to read as follows:

901.7 Aboveground. Vent piping aboveground in buildings shall be of brass pipe, copper pipe, copper tube DWV weight or heavier, cast iron soil pipe, galvanized steel pipe, or PVC DWV plastic pipe, schedule 40 minimum.

(b) Section 901.8, Underground, to read as follows:

901.8 Underground. All underground vent piping shall be cast iron soil pipe, hard temper copper tube type DWV or heavier, or PVC plastic pipe, schedule 40 minimum. All PVC type piping shall be laid in six-inch minimum sand or screening bed and covered with twelve-inch minimum screening or sand. No-hub piping shall not be used underground.

(2) Section 904, Vent terminals.

(a) Section 904.1, Extensions through roofs, is amended to read as follows:

904.1 Extensions through roofs. Extensions of vent pipes through a roof shall be terminated at least 12 inches above it. Where a roof is used for other than weather protection, the vent extensions shall run at least seven feet above the roof.

(3) Section 917. Delete entire section and amend to read as follows:

(a) Section 917.1, Air admittance valves, is amended to read as follows:

917.1 Air admittance valves. The use of any automatic plumbing vent is hereby prohibited, as said vent does not provide circulation of air throughout the sanitary system, and is contrary to the basic principles of the model plumbing code.

H. Chapter 10, Building traps.

(1) Section 1002.1, Fixture traps, is amended to read as follows:

1002.1 Fixture traps. Every building designed for human occupancy shall have at least one four-inch basement floor drain installed. Floor drains shall have a minimum water seal of two inches and shall be provided with removal strainers. The floor drain shall be so constructed that it can be readily cleaned, and the drain inlet shall be easily accessible at all times. Floor drains subject to backflow shall be protected by a backwater valve. Floor drains shall be of a size to serve efficiently the purpose for which they are intended. Any floor drain subject to evaporation, proper maintenance of deep seal traps shall be applied or a trap primer shall be used.

(2) Section 1002.6, Building traps, is amended to read as follows:

1002.6 Building traps. The building house sewer shall be provided with an approved manufactured horizontal trap made of cast iron which shall be set at curbline where possible, which shall be provided with a fresh air inlet on the house side, and a cleanout on the sewer side, both extended to finish grade level and fitted with adjustable boxes if placed in ground, slip type if placed in concrete, having place, with brass screws. The building's house trap shall not be installed in any driveway or ramp area.

I. Chapter 11, Storm drainage piping.

(1) Section 1103.1, Building Storm Sewer/Main Trap, is amended to include as follows:

No building storm sewer where a house trap is required shall be located in any driveway or ramp area.

(2) Section 1104.4, Interior conductors, to read as follows:

1104.4 Interior conductors. Interior conductors installed aboveground in buildings shall be of aluminum DWV pipe, brass pipe, copper tube DWV weight or heavier, cast iron soil pipe, galvanized steel pipe or ABS or PVC DWV plastic pipe, schedule 40 minimum.

(3) Section 1104.5, Underground building storm drains, to read as follows:

1104.5 Underground building storm drains. All underground storm drains shall be cast iron soil pipe or PVC DWV plastic pipe, schedule 40 minimum. All PVC type piping shall be laid in six-inch minimum sand or screening bed and covered with twelve-inch minimum screening or sand. No-hub piping shall not be used underground.

(4) Section 1104.6, Building storm sewer, to read as follows:

1104.6 Building storm sewer. The building storm sewer shall be of: cast iron soil pipe, concrete, type DWV, or PVC schedule 40 minimum.

(5) Section 1111.2, Subsoil drain, to read as follows:

1111.2 Subsoil drain. Subsoil drain shall be solid pipe only, no flex allowed.

J. Chapter 14, entitled "Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewage Systems Are Not Available," to include as follows:

Chapter 14

Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewage Systems Are Not Available

The provisions and requirements for individual sewage disposal systems shall be in accordance with the Commonwealth of Pennsylvania Department of Environmental Protection regulations enforced by the City Engineer, Reading, Pennsylvania. Plans for any individual sewage disposal system shall have the approval of the City Engineer, Reading, Pennsylvania, prior to commencing construction of any building within the jurisdiction of this code.

§ 180-903. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

§ 180-904. Provisions to be continuation of existing regulations.

The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of the repealed ordinances.

§ 180-905. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-906. Name. [Amended 12-28-2009 by Ord. No. 78-2009]

This Part shall be known as the "2009 International Plumbing Code" and as the "Plumbing Code" for the City of Reading.

§ 180-907. Enforcement.

The Plumbing Code of the City of Reading shall be enforced by City of Reading Codes Service Division - Building/Trades including, but not limited to, the Plumbing Inspector thereof and/or City of Reading Fire Marshal or his/her designee of the Fire Prevention Division of the City of Reading Department of Fire and Rescue Services.

PART 10

International Fuel Gas Code

[Adopted 12-26-2006 by Ord. No. 107-2006 (Ch. 5, Part 12, of the 2001 Code of Ordinances)]

§ 180-1001. Adoption of International Fuel Gas Code. [Amended 12-28-2009 by Ord. No. 78-2009]

A certain document, three copies of which are on file in the office of the City Clerk of City of Reading, being marked and designated as the International Fuel Gas Code, 2009 Edition, including Appendix Chapters (A, B, C, and D) (see International Fuel Gas Code, § 101.3, 2009 Edition), as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Reading, in the Commonwealth of Pennsylvania, regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of City Clerk for the City of Reading are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in § 180-1002 of this Part.

§ 180-1002. Amendments.

The following sections are hereby revised:

A. Section 101.1 is amended by deleting the words "name of jurisdiction" and the brackets surrounding that phrase and by inserting in place thereof the words "the City of Reading."

B. Section 106.5.2 is amended by deleting the words "appropriate schedule" and the brackets surrounding that phrase and by inserting in place thereof the words "Same as All Trades."

C. Section 106.5.3(2) is amended by deleting the words "insert percentage" and the brackets surrounding the phrase and by inserting in place thereof the language "80% of the permit fee, excluding the $2 administrative fee."

D. Section 106.5.3(3) is amended by deleting the words "insert percentage" and the brackets surrounding the phrase and by inserting in place thereof the language "0% (no refund shall be issued for plan review)."

E. Section 108.4 is amended by:

(1) Deleting the words "specify offense" and the brackets surrounding that phrase and by inserting in place thereof the words "summary offense."

(2) Deleting the word "amount" and the brackets surrounding that phrase and by inserting in place thereof "$500 to $1,000."

(3) Deleting the words "number of days" and the brackets surrounding that phrase and by inserting in place thereof "90 days."

F. Section 108.5 is amended by inserting amounts of "$500 to $1,000."

§ 180-1003. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

§ 180-1004. Provisions to be continuation of existing regulations.

Nothing in this Part or in the Fuel Gas Code hereby adopted shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance as repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 180-1005. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-1006. Title.

This Part shall be known as the "International Fuel Gas Code" and "Fuel Gas Code" of the City of Reading.

§ 180-1007. Enforcement.

The Fuel Gas Code of the City of Reading shall be enforced by City of Reading Codes Service Division - Building/Trades and/or City of Reading Fire Marshal or his/her designee of the Fire Prevention Division of the City of Reading Department of Fire and Rescue.

PART 11

International Energy Conservation Code

[Adopted 12-26-2006 by Ord. No. 108-2006 (Ch. 5, Part 13, of the 2001 Code of Ordinances)]

§ 180-1101. Adoption of International Energy Conservation Code. [Amended 12-28-2009 by Ord. No. 78-2009]

A certain document, three copies of which are on file in the office of the City Clerk of City of Reading, being marked and designated as the International Energy Conservation Code, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City of Reading, in the Commonwealth of Pennsylvania regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of City Clerk for the City of Reading are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in § 180-1102 of this Part.

§ 180-1102. Amendments.

The following section is hereby revised:

A. Section 101.1 is amended by deleting the words "name of jurisdiction" and the brackets surrounding that phrase and by inserting in place thereof the words "the City of Reading."

§ 180-1103. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

§ 180-1104. Provisions to be continuation of existing regulations.

Nothing in this Part or in the Energy Conservation Code hereby adopted shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance as repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 180-1105. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-1106. Name.

This Part shall be known as the "International Energy Conservation Code" and "Energy Conservation Code" of the City of Reading.

§ 180-1107. Enforcement.

The Energy Conservation Code of the City of Reading shall be enforced by City of Reading Codes Service Division - Building/Trades and/or City of Reading Fire Marshal or his/her designee of the Fire Prevention Division of the City of Reading Department of Fire and Rescue Services.

PART 12

Property Maintenance Rules and Regulations

[Adopted 6-28-2010 by Ord. No. 28-2010 (Ch. 5, Part 14, of the 2001 Code of Ordinances)]

§ 180-1201. Purpose.

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/nonregistered vehicles, vendor operations without permits and accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the City, which reduce business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of Reading are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Part is to promote the health, safety and general welfare of the City by helping to create a clean environment for the citizens of Reading.

§ 180-1202. Definitions.

The following words, terms and phrases, when used in this Part, shall be defined as follows, unless context clearly indicates otherwise:

AUTHORIZED LITTER RECEPTACLE — A litter collection receptacle which is placed on the public right-of-way or on public property by the City for use by the public to deposit small quantities of handheld trash, but not household or commercial waste.

DEBRIS — Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

DUMPING — Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.) small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by Section 1131, Solid Waste Storage, Collection and Disposal.

GARBAGE — The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HAZARDOUS WASTE — Any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

A. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE (HHW) — Waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of

the following four classifications: toxic; flammable; reactive; or corrosive. HHW consists of numerous products that are common to the average household such as: pesticides and herbicides, cleaners, automotive products, paints, and acids.

INDOOR FURNITURE — Any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

JUNKED VEHICLE —

A. Any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair.

B. The following conditions, if present, are examples of a state or condition of disrepair:

(1) Rusted and/or jagged metal on or protruding from the body of the vehicle.

(2) Broken glass or windows on or in the vehicle.

(3) Leaking of any fluids from the vehicle or deflated or flat tire(s).

(4) Unsecured and/or unlocked doors, hood or trunk.

(5) Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus.

(6) Harboring of rodents, insects or other pests.

C. The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also "motor vehicle nuisance."

LITTER — Includes, but is not limited to, all waste material, garbage, trash, i.e., wastepaper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

LOCAL RESPONSIBLE AGENT — Any person residing or working within the County of Berks designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

MOBILE VENDOR — A vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the City that does not typically remain stationary for more than approximately 10 minutes each hour.

MOTOR VEHICLE — Any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

MOTOR VEHICLE NUISANCE — A motor vehicle with one or more of the following defects:

A. Broken windshields, mirrors or other glass, with sharp edges.

B. Broken headlamps, tail lamps, bumpers or grills with sharp edges.

C. Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust.

D. Protruding sharp objects from the chassis.

E. Missing doors, windows, hood, trunks or other body parts that could permit animal harborage.

F. One or more open tires or tubes which could permit animal harborage.

G. Any vehicle suspended by blocks, jacks or other such materials in a location which may pose a danger to the public property owners visitors or residents of the property on which said vehicle is found.

H. Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.

I. Disassembled body or chassis parts stored in on or about the vehicle.

J. Vehicles that do not display a current valid license and registration.

K. Such other defects which the Fire Department determines to be a danger to the general public or property.

L. Motor vehicles parked, drifted or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

MUNICIPAL WASTE — Any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source-separated recyclable materials or organic waste.

NOTICE OF VIOLATION — A written document issued to a person in violation of a City ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

NUISANCE — Any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of citizens of the City or causes a blighting effect in City neighborhoods. See also "public nuisance."

PERSON — Every natural person, firm, corporation, partnership, association, or institution.

PLANTER STRIP — The non-concrete space in the sidewalk area filled with dirt and/or grass.

PRIVATE PROPERTY — Any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC NUISANCE — Any condition or premises which is unsafe or unsanitary.

PUBLIC OFFICER — Any police officer, authorized inspector, or public official designated by the Mayor to enforce the City ordinances.

PUBLIC RIGHT-OF-WAY — The total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

RECYCLABLE MATERIAL — Material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. These materials are designated by the regulations promulgated under Chapter 496, Solid Waste, Part 2, Storage and Collection. Such materials may include, but not be limited to, aluminum cans, ferrous and bimetal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires and large auto parts.

RESIDUAL WASTE — Any discarded material or other waste including solid, semisolid or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations, excluding municipal water and sewer operations.

RUBBISH — Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SHADE TREE — Unless otherwise specified, includes all trees, shrubs, and woody vegetation in the public right-of-way.

SIDEWALK AREA — The public right-of-way between the property line and the curbline or the established edge of the roadway.

SOLID WASTE — Any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

STORAGE — The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste, and it shall be presumed that the containment of any municipal waste in excess of three months constitutes disposal.

TREEWELL — The non-concrete area surrounding a shade tree planted in a sidewalk area.

VEGETATION — Any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

VIOLATION TICKET — A form issued by a police officer or public officer to a person who violates a provision of this Part. The violation ticket is an offer by the City of Reading extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

WEEDS —

A. Shall be defined as all grasses, annual plants and vegetation, which meet any of the following criteria:

   (1) Exceed six inches in height.

   (2) Exhale unpleasant noxious odors or pollen such as ragweed, dandelion and miscellaneous other vegetation commonly referred to as "weeds" or "brush."

   (3) May conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin.

   (4) May cause a public nuisance.

B. Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, etc.

YARD — An open space on the same lot with a structure.

§ 180-1203. Quality of life (QOL) violations. [Amended 9-12-2011 by Ord. No. 39A-2011; 11-28-2011 by Ord. No. 56-2011; 4-23-2012 by Ord. No. 38-2012]

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 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. **[Amended 12-9-2013 by Ord. No. 72-2013]**

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 after 5:00 p.m. 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, after 5:00 p.m. Jim Smith must place his trash containers in the rear of his yard before daybreak on Thursday morning.) **[Amended 12-9-2013 by Ord. No. 72-2013]**

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.

§ 180-1204. Authority for issuance of violation ticket.

Upon finding a quality of life violation, any City of Reading Property Maintenance Inspector appointed by the Property Maintenance/Codes Administrator of the City of Reading may issue quality-of-life violation tickets to the owner and/or occupant of the property at issue or to the individual known to have violated this Part.

§ 180-1205. Enforcement.

A. The provisions of this Part shall be enforced by police officers, or any other public officer authorized to enforce ordinances.

B. Any violation of the provisions of this Part may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

§ 180-1206. Service.

A violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

§ 180-1207. Separate offense.

Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

§ 180-1208. Regulations.

The Property Maintenance/Codes Administrator is hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Part.

§ 180-1209. Abatement of violation.

A. Any person or business violating this Part is hereby directed to satisfy the City of Reading and its citizens, upon issuance of a quality of life ticket, by correcting the violation in question. A public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Administrator of the Property Maintenance Division or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred.

B. The City of Reading and/or their contractor, per the direction of the City, reserves the right to abate the violation in question at the expense of the owner. If the City has effected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the quality of life ticket which will also be paid separately.

C. In all instances where the City abates the violation, in addition to the fine set forth in the quality of life ticket, the City is authorized to recover from the offending party, the owner

of the property, or tenant the abatement charges and such other charges established by the Property Maintenance/Codes Administrator in the rules and regulations.

D. City of Reading cleanup. The City reserves the right to perform any necessary work to abate any violation once 72 hours passes from the date of issuance of the quality-of-life ticket. Should the violation at the discretion of the Property Maintenance/Codes Administrator and/or his or her designee present imminent danger and/or pose a health hazard and/or risk, the City reserves the right to perform the abatement immediately. The City will perform this work at a rate of $60 per hour per man and forward the cost of any material necessary for the abatement. The City reserves the right to charge an additional 20% on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

E. Contractor cleanup. The City reserves the right to direct a contractor to perform the abatement of the violation in question once 72 hours passes from the date of issuance of the quality-of-life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the City reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the City of Reading and the City will forward these costs to the violator. The City reserves the right to add a 30% processing fee in addition to the cost of the contractor.

§ 180-1210. Violations and penalties. [Amended 9-12-2011 by Ord. No. 39A-2011; 11-28-2011 by Ord. No. 56-2011; 4-23-2012 by Ord. No. 38-2012]

A. Violation ticket fines.

(1) For the first of a violation of this Part within a twelve-month period, violation tickets shall be issued in the amounts of $25 or $50 as set forth on the chart below.

(2) For the second offense of a violation of this Part within a twelve-month period, violation tickets shall be issued in the amounts of $50 or $100 as set forth on the chart below.

(3) For the third and subsequent offense of a violation of this Part within a twelve-month period, violation tickets shall be issued in the amounts of $150 or $250 as set forth on the chart below.

(4) Any person who receives a violation ticket for any violation of this Part may, within 15 days, admit the violation, waive a hearing and pay the fine in full satisfaction.

(5) Any person violating this Part shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the clean up and abatement of the violation.

Violation Number for Quality of Life Ticket Ordinance	Brief Description of Violations for Quality of Life Ticket Ordinance	Fine 1	Fine 2	Fine for Third and Subsequent Instance
QOL.001	Accumulation of rubbish or garbage	$25	$50	$100
QOL.002	Animal maintenance and waste/feces cleanup	$25	$50	$100
QOL.003	Disposal of rubbish or garbage/dumping	$25	$50	$100
QOL.004	High weeds, grass or plant growth	$25	$50	$100
QOL.005	Littering or scattering rubbish	$25	$50	$100
QOL.006	Motor vehicles	$25	$50	$100
QOL.007	Operating a food cart illegally	$25	$50	$100
QOL.008	Operating or vending without the proper permit/ license	$25	$50	$100
QOL.009	Outside placement of indoor appliances/furniture	$25	$50	$100
QOL.010	Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling	$50	$100	$250
QOL.011	Placement or littering by private advertising matter	$25	$50	$100
QOL.012	Snow and ice removal from sidewalks	$25	$50	$100
QOL.013	Storing containers for waste or trash	$25	$50	$100
QOL.014	Storing or discarding of appliances	$25	$50	$100
QOL.015	Storing of hazardous material	$50	$100	$250
QOL.016	Storing of recyclables	$25	$50	$100
QOL.017	Storing or serving of potentially hazardous food	$50	$100	$250
QOL.018	Swimming pools	$25	$50	$100
QOL.019	Violating the terms of any vending license	$25	$50	$100

Violation Number for Quality of Life Ticket Ordinance	Brief Description of Violations for Quality of Life Ticket Ordinance	Fine 1	Fine 2	Fine for Third and Subsequent Instance
QOL.020	Historic District violation	$25	$50	$100
QOL.021	Satellite dishes in Historic Districts	$25	$50	$100
QOL.022	Registered trash hauler required	$25	$50	$100
QOL.023	Temporary dumpster permit required	$25	$50	$100

B. Violation ticket penalties.

(1) If the person in receipt of a $25 violation ticket does not pay the fine or request a hearing within 15 days, the person will be subject to a $10 penalty for days 16 through 30.

(2) If the person in receipt of a $50 violation ticket does not pay the fine or request a hearing within 15 days, the person will be subject to a $25 penalty for days 16 through 30.

(3) If the person in receipt of a $150 or $250 or higher violation ticket does not pay the fine or request a hearing within 10 days, the person will be subject to a $50 penalty for days 16 through 30.

(4) Failure of the person to make payment or request a hearing within 30 days of a violation ticket shall make the person subject to a citation for failure to pay.

(5) If violations continuous or egregious, the code official has right to issue citation without first issuing ticket provided notice has been given. Upon issuance of four tickets for same violation, right is reserved for code official to issue citation for fifth and subsequent offenses.

C. Citation fines. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than $100, not more than $1,000 on each offense or imprisoned no more than 90 days, or both.

D. Restitution. The Magisterial District Judge may order the violator to make restitution to said real or personal property owner.

§ 180-1211. Appeal. [Amended 1-24-2011 by Ord. No. 2-2011; 4-23-2012 by Ord. No. 38-2012]

A. Administrative appeal.

(1) A person in receipt of a violation ticket may appeal to the Property Maintenance/ Codes Administrator by filing a request with the Property Maintenance Division in writing within 15 calendar days of date of the violation ticket.

(2) In order for an appeal to be deemed valid and a hearing date/time to be set, the following must be performed by the alleged violator requesting the appeal within 15 calendar days of the date that the quality-of-life ticket was issued:

(a) All paperwork, including the appropriate appeal form, for the appeal must be submitted and complete.

(b) Payment of the fine must be paid in full, which will be refunded within 30 calendar days should the alleged violator win the appeal.

(3) The appeal hearing will be held before the Property Maintenance/Codes Administrator or his/her designee. The Administrator or his/her designee may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she sees appropriate.

B. Subsequent appeals. Any subsequent appeal shall be filed to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S.A. §§ 751 and 752.

§ 180-1212. Collections. [Added 2-28-2011 by Ord. No. 11-2011]

At the discretion of the City of Reading, all tickets for which payment is not received within 45 days of issuance of a ticket for which an appeal is not taken and 45 days from denial of appeal and monies paid by the City of Reading for abatement of a violation not paid within 45 days of billing may be turned over by the City to a collections agency for receipt.

§ 180-1213. Liens. [Added 2-28-2011 by Ord. No. 11-2011]

At the discretion of the City of Reading, liens may be placed upon a property against which tickets were issued for which payment is not received within 45 days of issuance of a ticket for which an appeal is not taken and 45 days from denial of appeal and monies paid by the City of Reading for abatement of a violation and not paid within 45 days of billing.

§ 180-1214. Nonexclusive remedies. [Amended 2-28-2011 by Ord. No. 11-2011]

The penalty, lien and collection provisions of this section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

PART 13
International Property Maintenance Code
[Adopted 2-27-2012 by Ord. No. 20-2012]

§ 180-1301. Adoption of International Property Maintenance Code.

The City of Reading hereby adopts and amends the International Property Maintenance Code of the International Code Council, 2012 Edition, as deleted, modified or amended as set forth to create a revised City of Reading Property Maintenance Code establishing minimum regulations governing the conditions and maintenance of all property, buildings and structures, by providing the standards supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and the condemnation of buildings and structures unfit for human occupancy and the demolition of such structures as attached as Exhibit A.[34]

34. Editor's Note: The City of Reading Property Maintenance Code is included at the end of this chapter. See also Ch. 23, Part 9, Blighted Property Review Committee.

PART 14
International Fire Code
[Adopted 5-29-2012 by Ord. No. 60-2012]

§ 180-1401. Adoption of International Fire Code.

A certain document, three copies of which are on file in the office of the City Clerk of City of Reading, being marked and designated as the International Fire Code, 2009 Edition, including appendix chapters (A, B, C, D, E, F, G) (see International Fire Code § 101.2.1, 2009 edition), as published by the International Code Council, is hereby adopted and incorporated herein by reference in and is hereby adopted as the City of Reading Fire Prevention Code, in the Commonwealth of Pennsylvania, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Reading are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in § 180-1407 of this Part.

§ 180-1402. State law and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City of Reading, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the state requirements, or the requirements of other ordinances of this City, are not as strict as those contained in this Part.

§ 180-1403. Provisions to be continuation of existing regulations.

Nothing in this Part or in the Fire Code hereby adopted shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance as repealed by this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 180-1404. Publication.

The City Clerk is hereby ordered and directed to cause this Part to be published as required by all applicable statutes, laws, regulations, charters and ordinances.

§ 180-1405. Title.

This Part shall be known as the "City of Reading Fire Prevention Code."

§ 180-1406. Enforcement; violations and penalties.

Division of Fire Prevention:

A. The Fire Prevention Code shall be enforced by the Department of Fire and Rescue Services, Fire Marshal's Office/Fire Prevention Division, of the City of Reading.

B. The person in charge of the Fire Marshal's Office/Fire Prevention Division shall be designated as the Fire Marshal and shall be appointed by the Mayor of the City of Reading with the approval and consent of the Council of the City of Reading, biannually.

C. The Fire Chief shall recommend to the Mayor and Council the employment of such assistants as are deemed appropriate to enforce the Fire Prevention Code.

D. The Fire Marshal shall supervise his/her assistants and may detail such assistants to perform such functions as are appropriate or necessary for effective enforcement of the Fire Prevention Code.

E. The Fire Chief shall be the ex officio in the absence of the Fire Marshal.

F. No person shall in any way obstruct or prevent or attempt to obstruct or prevent the Fire Marshal or his/her designee in the discharge of his/her duties. Violation of this provision shall be considered a summary offense. Any person violating any of the provisions of this section shall, upon conviction thereof, be sentenced to pay a fine by the Magisterial District Judge not to exceed $500 and be subject to a term of imprisonment not in excess of 90 days if they fail to pay such fine.

§ 180-1407. Amendments.

The International Fire Code is modified and amended in the following respects, and the following amendments, modifications and additions so made are hereby adopted to the same intent and effect as if originally incorporated in that Code:

A. Chapter 1, Section 101.1, Title, is amended by deleting the words "name of jurisdiction" and the brackets surrounding that phrase and by substituting in place thereof the words "the City of Reading."

B. Chapter 1, Section 104.3, Right of entry, insert the following before the first sentence: "The fire official may inspect all structures and premises for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life, or any violations of the provisions or intent of this code."

C. Section 104.7.2 is amended as follows:

104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, and laboratory or firesafety specialty organization acceptable to the Fire Code Official and shall analyze the firesafety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The Fire Code Official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

D. Add Section 104.7.2.1 as follows:

104.7.2.1 Qualifications for technical opinion, report, or inspection acceptable to the Fire Official. Technical opinion, report, or inspection shall include but not be limited to a minimum 15 years' experience in design, consultation, review, inspection and special inspection of fire protection systems both typical and complex, as well as building construction review and inspection. Qualifications shall include expertise, licensing, and certification in fire protection engineering, electrical engineering, and mechanical engineering, air balancing, and fire dynamics/modeling. Professional affiliation with peer-accepted model organizations, including but not limited to the International Code Council (ICC) and the National Fire Protection Association (NFPA) and possession of requisite certifications. NFPA Technical Committee representation and/or published and referenced by ICC on matters regarding code compliancy, development, or enforcement. Documented and peer reviewed subject matter expert.

E. Chapter 1, Subsection 105.1.1. Delete and substitute the following:[35]

105.1.1 Permits required. Permits required by this code shall be obtained from the Fire Code Official. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Code Official. A fee for each permit shall be paid in accordance with the fees provided in Chapter 212, Fees.

F. Chapter 1, Subsection 106.2.3, Notice. Add Subsection 106.2.3 as follows:

106.2.3 Notice. Notices scheduling inspections shall be mailed via regular mail to the owner at the address of record. Owners receiving notices shall notify tenants of the inspection without delay. If the tenant objects to the inspection, the tenant shall advise the owner who shall so inform the inspector. Nothing in this section shall preclude inspection without notice.

G. Chapter 1, Subsection 106.2.4, Failure to appear for inspection. Add Subsection 106.2.4 as follows:[36]

106.2.4. Failure to appear for inspection. Owners or their representatives who cannot be available at the proposed time and date shall, no less than 24 hours prior to the scheduled inspection, provide the Fire Prevention Division written notice of their unavailability. Failure to appear or provide 24 hours' written notice of unavailability will result in the assessment of a failure to appear or reschedule fee as listed in the fee schedule adopted by ordinance of City Council (see Chapter 212, Fees).

H. Chapter 1, Section 108, Board of Appeals, is amended by deleting same and substituting the following:[37]

SECTION 108 BOARD OF APPEALS

108.1. Appeals. Appeals before the City of Reading Building and Fire Code Board of Appeals shall be governed by the provisions of this code and all related amendments and by the rules of procedure.

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35. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

36. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

37. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

108.1.1 Background knowledge. The Board shall become familiar with all other ordinances under which it may be expected to act as well as applicable state statutes such as the Sunshine Law, 65 Pa.C.S.A. § 701 et seq., and Local Agency Law, 2 Pa.C.S.A. § 101 et seq.

108.1.2 Power to change to ordinances. Nothing herein shall be construed to grant or give to the Board the power or authority to alter or change the building, fire prevention or other related ordinances, which authority is reserved to the governing body.

108.1.3 Technical and legal services. Within the limits of funds appropriated by the governing body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

108.1.4 Legal counsel. The legal counsel to the Board shall be consulted in cases where the powers of the Board are not clearly defined and provide assistance and consultation at hearings and preparation of decisions.

108.1.5 Fees, costs and expenses. Fees established by ordinance of Council for the City of Reading, as provided in Chapter 212, Fees, shall be charged for filing an appeal. Appellants shall also be responsible for all costs and expenses arising from the appeal which exceed an initial fee.

108.2 Chairman and members. The Board shall annually select one of its members to serve as Chairman. The Chairman shall perform all duties required by law, ordinances and these rules; shall preside at all meetings of the Board; shall decide on all points or order and procedure, subject to these rules, unless directed otherwise by a majority of the Board.

108.2.1 Secretary. A qualified clerk shall serve as secretary to the Board. The secretary shall file a detailed record of all proceedings.

108.2.2 Members. The Board of Appeals shall consist of seven members appointed by the Mayor and confirmed by the Council of the City of Reading as follows: one for five years, one for four years, one for three years, two for two years, and two for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

108.2.3 Qualifications. The Board shall consist of persons who are qualified by experience and training to rule on matters pertaining to the hazards of fire, explosions, hazardous conditions, or fire protection systems, and are not employed by the City of Reading.

108.2.4 Alternates. The Mayor shall appoint and the Council of the City of Reading shall confirm two alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership, and shall be appointed for five years or until a successor has been appointed.

108.3 Meetings. The Board shall meet upon notice from the Chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

108.3.1 Public notice. The Board shall hold all meetings at specified times and places of which public notice shall be given.

(a) All hearings before the Board shall be open to the public.

(b) Public notice of each meeting shall be given in a newspaper of general circulation within the community within 24 hours' notice prior to the time of the hearing in accordance with the Pennsylvania Sunshine Act, 65 Pa.C.S.A. § 701 et seq.

108.3.2 Quorum. The Board shall modify or reverse the decision of the Fire Official by a concurring vote of three members.

108.3.3 Postponement. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

108.3.4 Continuance. On its own motion, or on approval of requests by applicant, appellants or their authorized agents, the Board may provide for later continuances of cases on which hearings have begun. Such continuances shall be permitted only for good cause, stated in the motion, and, unless time and place is stated, shall require new public notice, with fees paid for by applicants if continuances are at their request or result from their actions. A notice of the place, date and time of the continued hearing shall also be posted prominently at the municipal office where the hearing will be continued.

108.4 Board's function. The owner of a structure; the owner's agent; tenants; adjoining property owners; their tenants; or any other person involved in the design, construction, or maintenance of the structure shall have the right to appeal to the Board of Appeals from a decision of the Fire Official refusing to grant a modification of this code or of the application of the code.

108.4.1 Jurisdiction. The Board shall have exclusive jurisdiction to hear and render final adjudications based on a claim that the true intent of the Fire Prevention Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction can be used.

108.4.2 Authority limited. Nothing herein shall be construed to grant or give to the Board the power or authority to alter or change the Fire Prevention Code, or other related ordinances, which authority is reserved to the governing body.

108.5 Initiating action before the Board. All action before the Board shall be initiated by a written application with fee submission for a hearing, which shall be filed with the Fire Official within 20 days of the receipt of an order from the Fire Official.

108.5.1 Hearing schedule. The Board will conduct hearings and make decisions. In no instance will a hearing be scheduled later than 30 days from the date of the applicant's request for a hearing, unless the applicant has agreed to an extension of time in writing.

108.6 Conduct of hearing. The hearing shall be conducted by the Board of Appeals and governed by Local Agency Law, 2 Pa.C.S.A. § 101 et seq.

108.6.1 Order of hearing.

(a) Hearing called to order.

(b) Chairman's statement of reason for hearing.

(c) Chairman's statement of parties to hearing.

(d) Identification of other parties who wish to be heard.

(e) Outline of procedures to be followed during hearing.

(f) Determination of standing.

(g) Applicant's presentation of their case.

(i) Objectors cross-examine applicant's witnesses.

(ii) Board cross-examines applicant's witnesses.

(h) Objector's presentation of their case.

(i) Applicants cross-examine objector's witnesses.

(ii) Board cross-examines objector's witnesses.

(i) Statement of the Fire Official.

(i) Applicant's cross-examination.

(ii) Objector's cross-examination.

(iii) Board's cross-examination.

(j) Other testimony and evidence.

(k) Rebuttal by applicant.

(l) Rebuttal by objectors.

108.6.2 Records. The Board shall keep a record of the proceedings. The minutes of the meeting and copies of graphic or written material received in evidence shall be made available to any party at cost by the court reporter, in accordance with Local Agency Law and Right-to-Know Law, 65 P.S. § 66.1 et seq.

108.6.3 Parties. The parties to the hearing shall be the appellant, municipality, any person affected by the application who has made a timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. All persons who wish to be considered parties shall enter appearances in writing on forms provided to the Board for that purpose.

108.6.4 Representation. All parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument, and to cross-examine adverse witnesses on all relevant issues.

(a) For purposes of this subsection, the term "counsel" shall be construed to mean a duly licensed attorney permitted to practice before the Supreme Court of the Commonwealth of Pennsylvania.

(b) Any person other than a duly licensed attorney including, but not limited to, architects, engineers and developers shall present a power of attorney or notarized letter executed by the party stating that the person so appearing before the Board is permitted to do so.

108.6.5 Witnesses. All witnesses shall testify under oath.

108.6.6 Evidence. The Board shall not be bound by strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

108.6.7 Communication. The Board shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials except advice from the Board of Appeals' Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of the hearings with any party or his representative unless all parties are given an opportunity to be present.

108.7 Decisions.

(a) The Board shall render a written decision within 30 days after the last hearing before the Board in accord with Local Agency Law, 2 Pa.C.S.A. § 101 et seq.

(b) The Board shall vote on all matters in public session at the meeting in which evidence is concluded. The Board may deliberate upon any matter in executive session, provided that any vote is rendered at a public session within the allotted thirty-day time limit.

(c) All matters shall be decided by roll-call vote.

(d) The Board shall modify or reverse the decision of the Fire Official by a concurring vote of three members.

(e) The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and to the Fire Official.

(f) No member of the Board shall vote on any matter in which he is personally or financially interested. Said member shall not be counted by the Board in establishing a quorum for such matters.

(g) No member of the Board shall vote on an adjudication of any matter unless he has attended the public hearing thereon.

(h) A copy of the final decision shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision. The Board shall provide by mail or otherwise, to all other persons who have filed their name and address with the Board, a copy of the decision.

I. Chapter 1, Section 109.3, Violation penalties, is amended by:

(1) Deleting the words "specify offense" and the brackets surrounding that phrase and by inserting in place thereof the word "summary."

(2) Deleting the word "amount" and the brackets surrounding that phrase and by inserting in place thereof "$500 to $1,000."

(3) Deleting the words "number of days" and the brackets surrounding that phrase and by inserting in place thereof "90 days."

J. Chapter 1, Section 110.1, General, is amended by adding the following:

The Fire Official or, in his absence, the senior on-duty Fire Chief officer, shall order the following dangerous or hazardous conditions or materials to be removed or remedied in accordance with this code:

1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure or adjacent structures or to endanger the occupants thereof.

2. Conditions which would interfere with the efficiency and use of any fire protection equipment.

3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere with the egress of occupants or the operation of the fire department in case of fire.

4. Accumulations of dust or waste material in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts.

5. Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.
6. Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.
7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.
8. Hazardous conditions arising from defective or improperly used or installed equipment for handling or using combustible, explosive or otherwise hazardous materials.
9. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.
10. All equipment, materials, processes or operations which are in violation of the provisions and intent of this code.

K. Section 110.2, Evacuation. Add the following to the fifth line after the word "occupants:"

When, in the Fire Code Official's opinion, there is actual and potential danger to the occupants or those in the proximity of any structure or premises because of, but not limited to, unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the Fire Official may order the immediate evacuation of the structure or premises.

L. Section 110.2.1, Posting. Add Section 110.2.1 as follows:

110.2.1 Posting. The Fire Code Official is authorized to post structures and premises ordered evacuated in accordance with Section 110.2 with a placard prohibiting entry or occupancy.

M. Section 110.2.2, Placard removal. Add Section 110.2.2 as follows:

110.2. Placard removal. The Fire Official shall remove the placard when the unsafe condition or conditions are remedied or have been eliminated. Any person who conceals, covers, hides, removes, or causes to be removed, or defaces a placard without the approval of the Fire Official shall be guilty of a summary offense.

N. Chapter 1, Section 111.4, Failure to comply, is amended by deleting the words "amount" and "amount" and the brackets surrounding said words and by substituting in place thereof "$500" and "$1,000," respectively.

O. Chapter 1, Section 113.2, Schedule of permit and inspection fees. Delete and substitute the following:[38]

113.2. Schedule of permit and inspection fees. Permit fees assessable by the City for the administration and enforcement of this code shall be established by the governing body by ordinance from time to time, as provided in Chapter 212, Fees. The building owner, business operator, tenant, or contractor shall be responsible for all fees.

P. Chapter 1, Section 114 Certificates of fitness. Add Section 114 as follows:

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38. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

SECTION 114 CERTIFICATES OF FITNESS

114.1 Certificate of fitness. No person shall engage in the following activities without a certificate of fitness issued by the Fire Official. A certificate of fitness shall be obtained by all applicants/vendors [companies or person(s)] for the purposes of conducting any operation or performing an act for which a certificate of fitness is required as set forth below.

114.2 Application. Applicant shall meet the standards and regulations established by the Fire Marshal, including possession of a certificate of insurance covering the work requested, workmen's compensation for employees as required by federal, state or local mandated regulations, laws, and statutes. Additionally, an exhibition of appropriate levels of education, training, certification, and experience shall be submitted to the Fire Marshal for review and certificate of fitness issuance prior to any work commencing. The applicant and all employees engaging in the specified work shall have a strong familiarity and understanding of fire protection systems/fire code application for which a certificate of fitness is requested. An application on a form prescribed by the Fire Marshal and a fee as established by ordinance of City Council of the City of Reading, as provided in Chapter 212, Fees, per system, shall be submitted to the Department of Fire and Rescue Services, Fire Marshal's Office, for review and approval for each system described herein for which an applicant seeks to obtain a certificate of fitness.

114.3 Issuance. Upon approval, a certificate of fitness shall be issued and the applicant placed on a list of approved vendors within the City of Reading, Pa. authorizing them to perform the type of work categorized per the approved certificate of fitness. Certificates of fitness shall be valid for one year, January 1 through December 31, of each calendar year. Certificate holders must reapply each calendar year, and provide the fee as established by City Council per system for which they seek approval and listing. Performance of work on a system described below in the City of Reading, Pa. without a certificate of fitness shall cause the violator to be precluded from applying for a certificate of fitness for a period of one calendar year, and subject the violator to fines, double fee costs, citations, and additional costs as provided for herein.

114.4 Certificate categories.

CF-101	Automatic fire alarms: Installation/service/inspection
CF-102	Sprinkler/standpipe: Installation/service/inspection
CF-103	Hood and duct systems: Installation/service/inspection
CF-104	Wet, dry, clean agent suppression systems: Installation/service/inspection
CF-105	Central stations: Retransmission, recordkeeping/reporting/runner's service
CF-106	Fire extinguishers: Installation/service/inspection
CF-107	Fireworks/pyrotechnics: Displays/demonstrations
CF-108	Blasting or demolition operations
CF-109	Other

114.5 Additional categories. The Fire Official may require a certificate of fitness for certain processes which pose an unusual risk to the public safety or in cases or as part of the code modification process.

114.6 Fees. Fees for certificates of fitness shall be in accordance with the Fee Schedule as adopted by the City Council from time to time.

Q. Chapter 3, Section 301.2, Permits. Add the following sentence: "No person shall ignite, cause to be ignited, and permit to be ignited or maintain any open burning without first securing a permit from the Fire Official."

R. Chapter 5, Section 506.1, Fire Department key boxes; where required. Add the following sentence: "The owner or agent of all new and existing buildings in which fire protection systems are present which were or are required by the City or Pennsylvania law, ordinance, or order, shall provide fire department key box or boxes to be installed in a location approved by the Fire Official."

S. Chapter 9, Section 901.1, Scope. Delete and substitute the following:

901.1 Scope. The provisions of this chapter shall apply to the maintenance, inspection and testing of all fire protection systems.

T. Chapter 9, Section 901.4.1, Required fire protection systems. Delete the words "International Building Code" from the second line and substitute "City of Reading Code or other law, statute, regulations or rules."

U. Chapter 9, Section 901.4.2, Nonrequired fire protection systems. Delete the words "International Building Code" from the third line and substitute "City of Reading Code or other law, statute, regulations or rules."

U.1. Chapter 9, Section 901.6.2, Records. Delete and substitute the following: **[Added 3-11-2013 by Ord. No. 12-2013]**

901.6.2 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be provided to the Office of the Fire Marshal, by the company performing the inspection(s), through the third-party reporting system, Brycer, LLC, at a fee of $10 per inspection payable directly to Brycer, LLC.

V. Chapter 9, Section 903, Automatic sprinkler systems.

(1) Chapter 9, Section 903.2, Where required. Delete and substitute the following:

903.2 Where required. Approved automatic sprinkler systems shall be installed as required by the City of Reading Code or other law, statute, regulations or rules.

(2) Section 903.2.14, Use Group "B" Business. Throughout all buildings in Use Group "B," an automatic fire-suppression system shall be provided as follows:

I. When area exceeds 100,000 square feet; or

II. When the total combined area of all floors exceed 100,000 square feet; or

III. When the floor level of the highest story is located more than 30 feet (9,144 mm) above the lowest level of fire department vehicle access.

(3) Section 903.4, Sprinkler system monitoring and alarms, is amended by adding: "All new fire protection systems (manual or automatic fire-detection system or suppression system), where required by the City of Reading, Pennsylvania, state law, ordinance or order shall be connected to an approved central station service system

according to NFPA 72 (2007 edition), § 8-2. Any exceptions shall be approved by the Fire and Building Official.

(4) Section 903.4.1, Monitoring, is amended by deleting this section and substituting in place thereof:

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station service system according to NFPA 72, § 8-3 (2007 edition). Any exceptions shall be approved by the Fire and Building Official.

(5) Section 903.4.1, Monitoring, is amended by adding to NFPA 72 (2007 edition), § 8-3.

W. Chapter 9, Section 905, Standpipe systems.

(1) Chapter 9, Section 905.3, Required installations. Delete the first sentence and substitute the following: "Standpipe systems shall be installed where required by the City of Reading Code or other law, statute, regulations or rules."

(2) Add Section 905.12, Standpipe hose valve connections, as follows:

905.12 Standpipe hose valve connections. At each floor level on the stair tower side, there shall be connected to each standpipe not more than five feet above the floor level, a two-and-one-half-inch hose connection with a one-and-one-half-inch reducer with chain, cap, valves and threads conforming to the City of Reading Fire Department standards.

X. Chapter 9, Section 907, Fire Alarm and Detection Systems.

(1) Chapter 9, Section 907.1, General. Delete the words "installation" from the first sentence and insert the following before the first sentence: "Fire alarm and detection systems shall be installed where required by the City of Reading City of Reading Code or other law, statute, regulations or rules."

(2) Section 907.2, Where required, is amended by deleting the words "Section 907.2.23" and substituting in place "Section 907.2.26." This section is amended by adding an additional paragraph which reads as follows: "In all buildings provided with an approved automatic sprinkler system, there shall also be provided a complete manual fire alarm system and an automatic detection system in all mechanical areas and all means of egress in addition to the automatic detection systems required in §§ 907.2.10.1 through and including 907.2.25.

(3) Section 907.2.9.1, Group R-2 Detection Systems, Ten or More Dwelling Units, is amended by adding: "An automatic fire detection system shall be installed and maintained in mechanical areas and means of egress in all buildings of use group R-2 of 10 or more dwelling units."

(4) Section 907.2.12, High Rise Buildings, is amended by deleting "75 feet system, shall be (22,860 mm)" and substituting in place thereof "65 feet (19,812 mm)."

(5) Section 907.2.12.1, Automatic detection. Delete Subsection 1 shall be and substitute in place of: "1. In each mechanical room/equipment, electrical, transformer, telephone equipment, elevator machine room, elevator lobbies or similar room and stair tower, exits, exit access corridors."

(6) Section 907.2.12.3, Fire Department Communication, amended by adding "mechanical rooms."

(7) Section 907.2.24 is added as follows:

907.2.24 Height and area. All buildings four or more stories in height or more than 30 feet in height or 5,000 square feet or more in area shall have an automatic fire alarm/detection system installed throughout the building, conforming to NFPA 72.

(8) Section 907.2.25 is added as follows:

907.2.25 Hazardous areas. Smoke detectors shall be installed in the following hazardous areas, in addition to a fire suppression system: trash rooms, painting rooms, laundry collection rooms, furnace room, boiler room, mechanical/electrical rooms, and rooms of similar use as determined by the Fire Official.

(9) Section 907.2.26 is added as follows:

907.2.26 Sprinklered buildings. In all buildings provided with approved automatic sprinkler systems, a complete manual fire alarm system and an automatic detection system shall be provided in all means of egress, mechanical rooms in addition to the automatic fire detection systems required in §§ 907.2.10.1 through and including 907.2.25.

Y. Chapter 9, Section 907, Fire alarm and detection systems, existing.

(1) Chapter 9, Section 907.3.1.7 Group (R-2), Existing, is amended by deleting the same and substituting in place thereof:

907.3.1.7 Group (R-2). Existing. The following smoke alarms and/or fire protection systems shall be installed and maintained in existing R-2 occupancies as follows:

1. Existing three to nine dwelling units.

   a. Common area. Smoke alarms for all common areas, including hall, corridors, stairways, cellars and basements of buildings, shall be directly hardwired to the building's power supply and shall be interconnected to cause the operation or an activation of an alarm that shall be clearly audible in all portions of the structure over background noise levels with all intervening doors closed which complies with NFPA 72.

   b. Single and multiple station smoke alarms within dwelling units. Single and multiple station smoke alarms shall be installed in existing group R-2 occupancies regardless of occupant load in all the following locations:

      1. Outside every sleeping area in the vicinity of the bedrooms.

      2. In each room used for sleeping purposes.

      3. In each story within the dwelling unit, including basements and cellars.

   c. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all the alarms in the dwelling unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

d. Power source. Single-station and multiple-station alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low.

e. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection.

2. Existing 10 to 21 dwelling units.

a. Common areas. A complete automatic and manual fire alarm system including notification appliances is required in all common areas as determined by the Fire and Building Code Official.

b. Single and multiple station smoke alarms within dwelling units. Single and multiple station smoke alarms shall be installed in existing group R-2 occupancies regardless of occupant load in all the following locations:

1. Outside every sleeping area in the vicinity of the bedrooms.

2. In each room used for sleeping purposes.

3. In each story within the dwelling unit including basements and cellars.

c. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all the alarms in the dwelling unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

d. Power source. Single-station and multiple-station alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low.

e. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection.

3. Existing 22 dwelling units or more.

A complete automatic and manual fire alarm system including notification appliances shall be installed throughout the entire structure including dwelling units as determined by the Fire and Building Official.

4. Existing high-rise buildings.

A complete automatic/manual fire alarm system including emergency voice alarm communications shall be installed throughout the entire structure as determined by the Fire and Building Officials.

(2) Section 907.3.2, Single-station and multiple-station alarms, applies only to R-1, R-3, and R-4 use groups. (See amended § 907.3.1.7 for Use Group R-2).

(3) Section 907.9.2, High-Rise Buildings, is amended by deleting "75 feet (22,860 mm)" and substituting in place thereof "65 feet."

(4) Section 907.15, Monitoring, this section is amended by deleting same and substituting in place of: "All new and existing fire protection systems (manual or automatic fire detection or suppression systems), where required by the City of Reading, Pennsylvania, state law, ordinance or order shall be connected to an approved central station service system according to NFPA 72 (2007 edition), § 8-3."

Z. Chapter 9, Section 913, Fire pumps.

(1) Section 913.4, Valve supervision, is amended by deleting the entire section and substituting in place:

913.4 Valve supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be supervised by an approved central station service system according to NFPA 72 (2007 edition), § 8-3.

AA. Chapter 9, Section 907.9.5, Maintenance, inspection and testing. Add Subsection 907.9.5.1, Single- and multiple-station smoke alarms, as follows:

907.9.5.1. Single- and multiple-station smoke alarms.

1. All single- and multiple-station smoke alarm devices shall be tested in accordance with the manufacturer's instructions, not less than once a month for devices with the primary power supplied by the building electrical service and not less than once a week for devices with the primary power supplied by a monitored battery. All testing shall be conducted by the owner, except as provided for in this section.
2. In the case of tenant-occupied properties, every owner shall, at the beginning of the leasehold of a one- and two-family dwelling, multifamily dwelling, or manufactured home, inspect and test each single- and multiple-station smoke alarm device to insure that each required device is present and in proper working order.
3. In the case of tenant-occupied properties, the owner may require the occupant to conduct the weekly/monthly testing as set forth in paragraph 1 above. The owner must then provide the occupant with clear and concise written instructions regarding the weekly/monthly testing and the occupant must be able to perform such testing. The owner must also demonstrate to the occupant the proper testing procedures at the beginning of the leasehold.
4. The occupant shall have the duty and responsibility to notify the owner of any defect(s).
5. The owner shall have the duty and responsibility of remedying any defect after receiving notice of the defect.
6. All single-and multiple-station smoke alarm devices shall be kept in proper working condition at all times and shall be replaced after being in service for a period of 10 years or becoming defective/inoperable, whichever comes first.

BB. Chapter 9, Section 909.1. Delete the words "International Building Code" and substitute the words "City of Reading Code or other law, statute, regulations or rules."

CC. Chapter 9, Section 914.1, General. Delete the words "International Building Code" from the third line and substitute the words "City of Reading Code or other law, statute, regulations or rules."

DD. Chapter 10, Section 1030.9, Overcrowding. Insert Section 1030.9 as follows:

1030.9 Overcrowding. Overcrowding, admittance of any person beyond the approved occupant load established by the City of Reading Building Code or other building code or City ordinance under which the building was constructed, or obstructing aisles, passageways or any part of the means of egress shall not be allowed. The Fire Code Official, upon finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

EE. Chapter 32, Cryogenic Fluids.

(1) Section 3204.3.6, Location, insert (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): "Locations and limitation as determined by the Fire Official."

FF. Chapter 33, Explosives and Fireworks.

(1) Section 3301.1.3, Fireworks, is amended by deleting Exception No. 4.

GG. Chapter 34, Flammable and Combustible Liquids.

(1) Section 3404.2.9.4, Locations where aboveground tanks are prohibited inside of buildings. Replace "(geographic limits in which the storage of Class I and Class II liquids in aboveground tanks inside of buildings is prohibited)" with: "Locations and limitation as determined by the Fire Official."

(2) Section 3406.2.5.1, Locations where aboveground tanks are prohibited outside of buildings. Replace "(geographic limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings are prohibited)" with: "Locations and limitations as determined by Fire Official."

HH. Chapter 38, Liquefied Petroleum Gases.

(1) Section 3804.2, Maximum capacity within established limits, is amended by inserting the following amounts: "water capacity of five gallons for residential and water capacity of 2,000 gallons for commercial."

180 Attachment 1

City of Reading

Exhibit A
Hazard Areas[1]
Reference: International Wildland-Urban Interface Code

1. Forest Areas:
   Mount Penn
   Neversink Mountain
   Yellow Clay

2. Wooded/Shrub Growth Areas:
   Dana Park
   Mineral Spring Park

3. Grass/Shrub Areas:
   Cemeteries
   Railroad beds
   Ball fields

4. Urban Interface Areas (houses in forest areas):
   Neversink Mountain (1994 Highland Street-Box 261)

[1] Editor's Note: Copies of the wildland-urban interface map are available in the Fire Department.

180 Attachment 2

City of Reading

Table R301.2(1)
Climatic and Geographic Design Criteria
[Amended during codification (see Ch. 1, General Provisions, Part 2)]

Ground Snow Load	Wind Speed[d] (mph)	Seismic Design Category[f]	Subject to Damage From			Winter Design Temp[e]	Ice Barrier Underlayment Required[h]	Flood Hazards[g]	Air Freezing Index[i]	Mean Annual Temp[j]
			Weathering[a]	Frost Line Depth[b]	Termite[c]					
25	90	B	Severe	36”	DM/H	13°	Yes	6-11-2012	1,000	55°

For SI: 1 pound per square foot = 0.0479 kPa, one mile per hour = 0.447 m/s.

a. Weathering may require a higher-strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index, i.e., “negligible,” “moderate” or “severe,” for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry unit shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2% values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the Building Official.

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with: (1) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas); (2) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1, and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the one-hundred-year return period air freezing index (BF-days) from Figure R403.3(2) or from the one-hundred-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° F.)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° F.)" at www.ncdc.noaa.gov/fpsf.html.

180 Attachment 3

City of Reading

Property Maintenance Code

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Chapter 1
Scope and Administration

PART 1 — SCOPE AND APPLICATION

SECTION 101
GENERAL

[A] 101.1 Title.
These regulations shall be known as the PROPERTY MAINTENANCE CODE OF CITY OF READING, PENNSYLVANIA, hereinafter referred to as "this code."

[A] 101.2 Scope.
The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

> **101.2.1 Reporting.**
> It is the right of every tenant and resident to report any presumed violations of this code to the Property Maintenance Division (PMD) or a representative of this Division. A landlord cannot evict a tenant or tenants in retaliation for the reporting of alleged code violations.

[A] 101.3 Intent.
This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

[A] 101.4 Severability.
If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102
APPLICABILITY

[A] 102.1 General.
Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

[A] 102.2 Maintenance.
Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

[A] 102.3 Application of other codes.
Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the effective International Existing Building Code, International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70 and as adopted by the Pennsylvania Uniform Construction Code as adopted by the City of Reading. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of the Reading Zoning Ordinance.[1]

[A] 102.4 Existing remedies.
The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

[A] 102.5 Workmanship.
Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

[A] 102.6 Historic buildings.
The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

[A] 102.7 Referenced codes and standards.
The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

[1] Editor's Note: See Ch. 600, Zoning.

[A] 102.7.1 Conflicts.
Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] 102.7.2 Provisions in referenced codes and standards.
Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.8 Requirements not covered by code.
Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

[A] 102.9 Application of references.
References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.10 Other laws.
The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

[A] 103.1 General.
The Authority for the enforcement of this code shall rest with the Manager of the Property Maintenance Division.

[A] 103.2 Appointment.
The code official shall be hired, appointed or retained in accordance with the City of Reading Codified Ordinances.

[A] 103.3 Deputies.
In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official.

[A] 103.4 Liability.
The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an

act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 103.5 Fees.
The fees for activities and services performed by the Property Maintenance Division shall be in accordance with the fee schedule duly adopted by ordinance by the City.

103.6 Conflicts of interests.
An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under provisions of Section 111, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or interests of the department.

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 General.
The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Inspections.
The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.3 Right of entry.
Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

[A] 104.4 Identification.
The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.4.1 Refusal of entry.
If any owner, occupant or other person in charge of a structure subject to the provision of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this code is sought, the administrative authority may promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection. For the purpose of this section, a reasonable or probable cause to gain access for an inspection shall include without being limited to the following:

1. That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the City; or

2. That the Property Maintenance Division, after investigation or upon information received, has knowledge, information or a reasonable belief that a violation of this code or other codes and ordinances of the City exist; or

3. That such entry is for the purpose of inspecting a previous notice of violation; or

4. That the Property Maintenance Division has received a complaint concerning a violation on or within the premises; or

5. That such entry is necessary to determine if the building, structure, premises, dwelling or dwelling units meet the standards of this code and building, fire, and health codes and for the safety and welfare of the public.

104.4.2 Right of entry by owner.
Every occupant of a dwelling unit, building, structure or premises shall give the owner thereof, or his agent or employee access to any part of such dwelling, dwelling unit, building, structure or premises, at all reasonable times for the purpose of conducting inspections to determine whether or not violation of the code may exist, or for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this code or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this code.

104.4.3 Notification to tenants.
Every owner of a dwelling unit, building, structure or premises shall give the tenants thereof notice of an inspection and obtain their authorization to grant a code official entry to their unit. If the tenant(s) object(s) to entry by the code official, the owner shall so notify the code official.

[A] 104.5 Notices and orders.
The code official shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.6 Department records.
The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

104.7 Rulemaking authority.
The code official or his/her designee shall have authority as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.8 Coordination of inspections.
Whenever in the enforcement of this code or another code or ordinance the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

104.9 Compliance.
If upon any inspection the codes official determines that the violations are corrected in compliance with the provisions of this code, he/she shall note this determination in the file together with the date of such inspection.

SECTION 105
APPROVAL

[A] 105.1 Modifications.
Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and firesafety requirements. The details of action granting modifications shall be recorded and entered in the department files.

[A] 105.2 Alternative materials, methods and equipment.
The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be

approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

[A] 105.3 Required testing.
Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

[A] 105.3.1 Test methods.
Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

[A] 105.3.2 Test reports.
Reports of tests shall be retained by the code official for the period required for retention of public records.

[A] 105.4 Used material and equipment.
The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

[A] 105.5 Approved materials and equipment.
Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[A] 105.6 Research reports.
Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 106
VIOLATIONS

[A] 106.1 Unlawful acts.
It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] 106.2 Notice of violation.
The code official shall serve a notice of violation or order in accordance with Section 107.

[A] 106.3 Prosecution of violation.
Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 106.4 Violation penalties. [Amended during codification (see Ch. 1, General Provisions, Part 2)]
Any person who shall violate a provision of this code shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than $75 and not exceeding $500 for the first two continual and uncorrected violations of the same subsection on the same property and not less than $150 nor more than $1,000 for the third and subsequent continual and uncorrected violation of the same subsection of the code on the same property, plus costs and restitution, or in default of payment, may be sentenced to imprisonment for a term not to exceed 90 days. East section of this code that is violated shall constitute a separate offense punishable by a separate fine as set forth herein. Each day that a violation continues after due notice has been served shall be deemed a separate offense punishable by a separate fine as set forth herein.

106.4.1 Neighborhood mitigation penalty.
In addition to the foregoing fines, fees, penalties and/or restitution in PM 106.4, upon conviction of any violation of a provision of this code, an additional Neighborhood Mitigation Penalty (NMP) shall be levied in the amount of $50. All such NMPs levied and collected by any division of the unified judicial system existing under Section 1 of Article V of the Pennsylvania Constitution and 42 Pa.C.S.A. § 301, shall be remitted to the City of Reading for deposit into the Neighborhood Mitigation Fund for the purpose of funding mitigation exercises performed by the City on private properties, including but not limited to demolitions, cleanups, light repairs, abandoned vehicle towing, removal of trash and/or cutting of grass and weeds, etc. If any fine is paid on installments, the proportionate amount of the NMP shall be remitted on each installment.

[A] 106.5 Abatement of violation.
The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

106.6 Extensions.
Upon application, an extension of time beyond that given on the correction order to bring the violations set forth on the inspection into compliance with this code may be granted for a reasonable cause. An application for extension shall include:

(a) Name, address and phone number of applicant;

(b) Address of property referenced on correction order; and

(c) Violation(s) referenced on correction order for which an extension is being requested.[2]

SECTION 107
NOTICES AND ORDERS

[A] 107.1 Notice to person responsible.
Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

EXCEPTIONS:

1. **Open and unsecure.** Notice is not required whenever a property is open and unsecure and the code official has determined that the property shall be secured. The code official may order the structure secured.

2. **Administrative fee.** Whenever an administrative fee is due under this code, the bill therefor shall be the notice.

3. **Transfer of property.** Notice shall not be required for violation of Section 107.5

[A] 107.2 Form.
Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.

3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

5. Inform the property owner of the right to appeal as per Section 111.1.

6. Include a statement of the right to file a lien in accordance with Section 106.3.

[A] 107.3 Method of service.
Such notice shall be deemed to be properly served if a copy thereof is:

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[2] Editor's Note: Original Subsection (d), regarding payment of a fee, which immediately followed this subsection, was repealed during codification (see Ch. 1, General Provisions, Part 2).

1. Delivered personally;

2. Sent by certified/first-class mail or email addressed to the last known address; or

3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

4. Service upon any executive officer of a corporation shall be a sufficient, but not the exclusive method of service upon the corporation. Service upon any partner of a partnership shall be a sufficient but not the exclusive method of service upon the partnership.

[A] 107.4 Unauthorized tampering.
Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

[A] 107.5 Penalties.
Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] 107.6 Transfer of ownership.
It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. Failure to do so will be considered an offense of this code.

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 General.
When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

> **[A] 108.1.1 Unsafe structures.**
> An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] 108.1.2 Unsafe equipment.
Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

[A] 108.1.3 Structure unfit for human occupancy.
A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.3.1 Blighted property and public nuisance.

Definitions.

For the purpose of this Part, all words used in present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory and not discretionary. The word "used" includes designated, intended, built, or arranged to be used.

A. Single property. Blighted property shall include:

(1) Any premises which because of physical condition or use is regarded as a public nuisance at common law, or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.

(3) Any dwelling which because of its dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing or building codes of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.

(4) Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.

(5) Any structure from which utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

(7) Any unoccupied property which has been tax delinquent for a period of two years prior to the effective date of this act, and those in the future having a two-year tax delinquency.

(8) Any property which is vacant, but not tax delinquent, and which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

(9) Any abandoned property. A property shall be considered abandoned if:

(a) It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months;

(b) It is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by any body with legal authority to determine the taxable value of the property; or

(c) The property has been declared abandoned by the owner, including an estate that is in possession of the property.

(10) A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable.

(11) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.

(12) A property having three or more of the following characteristics:

(a) Has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;

(b) Has unsafe external and internal accessways;

(c) Is being served by an unsafe public street or right-of-way;

(d) Violates the applicable property maintenance code adopted by a municipality and is an immediate threat to public health and safety;

(e) Is vacant;

(f) Is located in a redevelopment area with a density of at least 1,000 people per square mile or a redevelopment area with more than 90% of the units of property being nonresidential or a municipality with a density of at least 2,500 people per square mile.

B. Multiple properties. Blighted property shall include:

1. A majority of the units of property meet any of the requirements under Subsection A and represent a majority of the geographical area; or

2. Properties representing a majority of the geographical area meet one or more of the conditions set forth in Subsection A(1) through (11) or satisfy the conditions of Subsection A(12) that are necessary for a declaration of blight under Subsection A and at least 1/3 of the units of property meet two or more of the requirements under Subsection A(1) through (11) or satisfy the conditions of Subsection A(12) and one or more of the requirements under Subsection A(1) through (11).

[A] 108.1.4 Unlawful structure.
An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to ordinance.

[A] 108.1.5 Dangerous structure or premises.
For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored,

attached or fastened in place so as to be capable of resisting natural or artificial loads of 1 1/2 the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] 108.2 Closing of vacant structures.
If the structure is vacant, open and unsecure, and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

[A] 108.2.1 Authority to disconnect service utilities.
The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter. Service utilities shall be discontinued in vacant buildings except any required for fire protection systems.

[A] 108.3 Notice.
Whenever the code official has condemned a structure or equipment under the provisions of this section, a placard notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

[A] 108.4 Placarding.
Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

[A] 108.4.1 Placard removal.
The code official shall remove the condemnation placard whenever, upon inspection, the defect or defects upon which the placard was based have been eliminated and with the receipt of payment in accordance with the fee schedule duly adopted by the City of Reading. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

[A] 108.5 Prohibited occupancy.
Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

[A] 108.6 Abatement methods.
The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

[A] 108.7 Record.
The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 109
EMERGENCY MEASURES

[A] 109.1 Imminent danger.
When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

[A] 109.2 Temporary safeguards.
Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

[A] 109.3 Closing streets.
When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

[A] 109.4 Emergency repairs.
For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

[A] 109.5 Costs of emergency repairs.
Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

[A] 109.6 Hearing.
Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110
DEMOLITION

[A] 110.1 General.
The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official. Demolition shall be in accordance with the Pennsylvania Uniform Construction Code as adopted by the City of Reading.

110.2 Notices and Orders.
All notices and orders shall comply with Section 107.

110.3 Failure to comply.
If the owner of a premises fails to comply with a demolition order within the time prescribed, the property maintenance manager or his designee shall request the building official to cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the costs of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 110.4 Salvage materials.
When any structure has been ordered demolished and removed, the codes official shall notify the Artifacts Bank of the City, which may offer a bid on any materials of value contained in said structure. The City shall, after consideration, accept or deny the aforesaid Artifact Bank's bid.

SECTION 111
MEANS OF APPEAL

[A] 111.1 Application for appeal.
Any person directly affected by a decision of the code official or a notice or order issued under this code, including an emergency order requiring immediate evacuation of all occupants that is issued under this code, shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, except that an appeal of an emergency order requiring evacuation shall be based on a

claim that there is no competent evidence that a true threat to safety existed during any period that any occupants were required to vacate their dwelling.

[A] 111.2 Membership of Board.
The Board of Appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance, building and trades and fire prevention and who are not employees of the jurisdiction. The code official shall be an ex officio member but shall have no vote on any matter before the Board. The Board shall be appointed by City Council and shall serve staggered and overlapping terms.

[A] 111.2.1 Alternate members.
City Council shall appoint a minimum of two alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.

[A] 111.2.2 Chairman.
The Board shall annually select one of its members to serve as Chairman.

[A] 111.2.3 Disqualification of member.
A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 111.2.4 Secretary.
The chief administrative officer shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 111.2.5 Compensation of members.
Compensation of members shall be determined by law.

[A] 111.3 Notice of meeting.
The Board shall meet upon notice from the Chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

[A] 111.4 Open hearing.
All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the Board membership.

[A] 111.4.1 Procedure.
The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] 111.5 Postponed hearing.
When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] 111.6 Board decision.
The Board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed Board members.

[A] 111.6.1 Records and copies.
The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the code official.

[A] 111.6.2 Administration.
The code official shall take immediate action in accordance with the decision of the Board.

[A] 111.7 Court review.
Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] 111.8 Stays of enforcement.
Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Appeals Board.

SECTION 112
STOP-WORK ORDER

[A] 112.1 Authority.
Stop-work orders shall be governed by the Pennsylvania Uniform Construction Code as adopted by the City of Reading.

Chapter 2
Definitions

SECTION 201
GENERAL

201.1 Scope.
Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability.
Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes.
Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined.
Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts.
Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202
GENERAL DEFINITIONS

ACCESSORY STRUCTURE. A building which is incidental to that of the main building and which is located on the same lot.

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

[B] GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[B] HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HEATING FACILITY. A fixed, nonportable heating equipment or unit.

HOTEL. Any building containing six or more guestrooms, intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes of guests.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for any reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LAVATORY. A fixed washbowl with running water and drainpipe (sink).

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MIXED-USE PROPERTY. A building occupied for two or more uses not included in the same use group.

MOTEL. An establishment of attached rental bedroom units with individual entrances from the exterior of the building to each unit, operated as a business for the purpose of providing lodging to transient guests.

NEGLECT. The lack of proper maintenance for a building or structure.

[A] OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

[A] OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PLUMBING. Refers to water pipes, waste pipes, water closets, sinks, installed dishwashers, lavatories, bath tubs, shower baths, installed clothes-washing machines, catch basins, drains, garbage disposal units, as well as gas pipes, and gas-burning equipment, water heating facilities and vents and other similar supply fixtures, together with all connections to water, sewer and gas lines.

[A] PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

[A] PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[A] STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80% or less of the maximum strength.

[M] VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WATER CLOSET. A compartment or room for defecation and urination into a toilet bowl.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

[Z] YARD. An open space on the same lot with a structure.

Chapter 3
General Requirements

SECTION 301
GENERAL

301.1 Scope.
The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility.
The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land.
All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

> **301.3.1 Exterior conditions.**
> The exterior of every vacant structure or accessory structure shall be maintained free of broken windows, loose or deteriorating shingles, siding or decorative features or building materials, crumbling stone or brick, or excessive peeling paint.

301.4 Compliance with other ordinance.
Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with the provisions (sections) of all other applicable City ordinances, including but not limited to the Solid Waste Ordinance, Health Ordinance and acceptable engineering principles and practices regarding their property.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation.
All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage.
All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways.
All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds.
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, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage.
All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents.
Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures.
All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles.
Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and 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.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property.
No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10 Trees, bushes and shrubs.
All trees, bushes and shrubs shall be maintained such that they do not cause any adverse conditions resulting in any dangerous condition as determined by the code official.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.
Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures.
Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

> **Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304
EXTERIOR STRUCTURE

304.1 General.
The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions.
The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings in accordance with the Uniform Construction Code as adopted by the City of Reading as adopted and amended by the Commonwealth of Pennsylvania:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather-resistant or watertight;

5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the code official.

304.2 Protective treatment.
All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather-resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification.
Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members.
All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls.
All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.
All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage.
The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features.
All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions.
All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.
Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.
All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.
Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.
Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.

> **304.13.1 Glazing.**
> All glazing materials shall be maintained free from cracks and holes.
>
> **304.13.2 Openable windows.**
> Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens.
During the period from 1 May to 30 September, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

> **Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors.
All exterior doors, door assemblies, operator systems if provided, and hardware shall be approved exterior grade doors, assemblies and hardware and maintained in good condition.

Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways.
Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows.
Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security.
Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors.
Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of one inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows.
Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash-locking device.

304.18.3 Basement hatchways.
Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates.
All exterior gates, gate assemblies, operator systems, if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305
INTERIOR STRUCTURE

305.1 General.
The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or

more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions.
The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Structural members are incapable of supporting nominal loads and load effects;

5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the code official.

305.2 Structural members.
All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces.
All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.
Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards.
Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors.
Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306
COMPONENT SERVICEABILITY

306.1 General.
The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions.
Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings in accord with the Pennsylvania Uniform Construction Code as adopted by the City of Reading:

1. Soils that have been subjected to any of the following conditions:

    1.1. Collapse of footing or foundation system;

    1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;

    1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

    1.4. Inadequate soil as determined by a geotechnical investigation;

    1.5. Where the allowable bearing capacity of the soil is in doubt; or

    1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

    2.1. Deterioration;

    2.2. Ultimate deformation;

    2.3. Fractures;

2.4. Fissures;

2.5. Spalling;

2.6. Exposed reinforcement; or

2.7. Detached, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

3.1. Deterioration;

3.2. Corrosion;

3.3. Elastic deformation;

3.4. Ultimate deformation;

3.5. Stress or strain cracks;

3.6. Joint fatigue; or

3.7. Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

4.1. Deterioration;

4.2. Ultimate deformation;

4.3. Fractures in masonry or mortar joints;

4.4. Fissures in masonry or mortar joints;

4.5. Spalling;

4.6. Exposed reinforcement; or

4.7. Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

5.1. Deterioration;

5.2. Elastic deformation;

5.3. Ultimate deformation;

5.4. Metal fatigue; or

5.5. Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

6.1. Ultimate deformation;

6.2. Deterioration;

6.3. Damage from insects, rodents and other vermin;

6.4. Fire damage beyond charring;

6.5. Significant splits and checks;

6.6. Horizontal shear cracks;

6.7. Vertical shear cracks;

6.8. Inadequate support;

6.9. Detached, dislodged or failing connections; or

6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SECTION 307
HANDRAILS AND GUARDRAILS

307.1 General.
Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1,067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308
RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.
All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

308.2 Disposal of rubbish.
Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.1 Rubbish storage facilities.
The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators.
Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage.
Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

308.3.1 Garbage facilities.
The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

308.3.2 Containers.
The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

308.3.3 Storage, collection and removal.
It shall be the responsibility of the owner of all residential, commercial and industrial establishments to ensure that the municipal waste from his or her properties is removed of properly and in such a manner not to create a public nuisance.

308.3.4 Recyclables.
It shall be the responsibility of the owner of all residential, commercial and industrial establishments to ensure storage, collection and disposal of all recyclables from his or her property and in such a manner not to create a public nuisance.

308.4 Solid Waste Ordinance.
Every owner of every dwelling shall comply with the Solid Waste Ordinance of the City[3] regarding the removal of municipal waste from the property.

SECTION 309
PEST ELIMINATION

309.1 Infestation.
All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner.
The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant.
The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple occupancy.
The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Occupant.
The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

> **Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

SECTION 310
KITCHEN FACILITIES

310.1 Kitchen stove.
The landlord shall provide utility connections in each dwelling unit containing a room for installed cooking facilities.

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[3] Editor's Note: See Ch. 496, Solid Waste.

310.2 Kitchen sink.
The landlord shall provide each dwelling unit containing a room for installed facilities with a kitchen sink in good working condition and which provides at all times an adequate amount of heated and unheated running water under pressure.

310.3 Refrigerator.
The landlord shall provide each dwelling unit where perishable food is kept a utility connection for refrigeration.

310.4 Counters and cabinets.
Counters, countertops and cabinets shall be maintained in good repair.

Chapter 4
Light, Ventilation and Occupancy Limitations

SECTION 401
GENERAL

401.1 Scope.
The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility.
The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices.
In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces.
Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8% of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

> **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m^2). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways.
Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a sixty-watt standard incandescent light bulb for each 200 square feet (19 m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces.
All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403
VENTILATION

403.1 Habitable spaces.
Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45% of the minimum glazed area required in Section 402.1.

> **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m^2). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms.
Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities.
Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

> **Exceptions:**
>
> 1. Where specifically approved in writing by the code official.
>
> 2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation.
Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust.
Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy.
Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths.
A habitable room, other than a kitchen, shall be a minimum of seven feet (2,134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of three feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights.
Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of seven feet (2,134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced a minimum of four feet (1,219 mm) on center and projecting a maximum of six inches (152 mm) below the required ceiling height.

2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of six feet eight inches (2,033 mm) with a minimum clear height of six feet four inches (1,932 mm) under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of seven feet (2,134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of five feet (1,524 mm) shall be included.

404.4 Bedroom and living room requirements.
Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area.
Every living room shall contain at least 120 square feet (11.2 m^2) and every bedroom shall contain a minimum of 70 square feet (6.5 m^2) and every bedroom occupied by more

than one person shall contain a minimum of 50 square feet (4.6 m^2) of floor area for each occupant thereof.

404.4.2 Access from bedrooms.
Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility.
Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy.
Kitchens and nonhabitable spaces shall not be used for sleeping purposes. Basements shall not be used for sleeping purposes unless they conform to the specifications of this code and the required minimum window area is entirely above the grade of the ground adjoining. The basement and bedroom in the basement shall meet the emergency egress requirements of this code, the International Building Code, the International Existing Building Code, the International Fire Code, the Zoning Ordinance and the International Residential Code per the Pennsylvania Uniform Construction Code as adopted by the City of Reading, as applicable.

404.4.5 Other requirements.
Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding.
Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

Table 404.5
Minimum Area Requirements

Space	Minimum Area in Square Feet		
	1–2 Occupants	**3–5 Occupants**	**6 or More Occupants**
Living room[a,b]	120	120	150
Dining room[a,b]	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.093 m^2.
a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area.
The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces.
Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit.
Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m^2). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m^2). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

404.7 Food preparation.
All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

Chapter 5
Plumbing Facilities and Fixture Requirements

SECTION 501
GENERAL

501.1 Scope.
The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility.
The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502
REQUIRED FACILITIES

[P] 502.1 Dwelling units.
Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

[P] 502.2 Rooming houses.
At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

[P] 502.3 Hotels.
Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

[P] 502.4 Employees' facilities.
A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

> **[P] 502.4.1 Drinking facilities.**
> Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

[P] 502.5 Public toilet facilities.
Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning,

public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 503
TOILET ROOMS

[P] 503.1 Privacy.
Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

[P] 503.2 Location.
Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units shall have access by traversing a maximum of one flight of stairs and shall have access from a common hall or passageway.

[P] 503.3 Location of employee toilet facilities.
Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located a maximum of one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] 503.4 Floor surface.
In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504
PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General.
All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] 504.2 Fixture clearances.
Plumbing fixtures shall have adequate clearances for usage and cleaning.

[P] 504.3 Plumbing system hazards.
Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross-connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.1 General.
Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

[P] 505.2 Contamination.
The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply.
The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities.
Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110° F. (43° C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

> **505.4.1 Prohibition of water heaters in the kitchen.**
> Water heaters shall not exist in the kitchen unless approved by the authority having jurisdiction.

SECTION 506
SANITARY DRAINAGE SYSTEM

[P] 506.1 General.
All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

[P] 506.2 Maintenance.
Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] 506.3 Grease interceptors.
Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507
STORM DRAINAGE

[P] 507.1 General.
Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Chapter 6
Mechanical and Electrical Requirements

SECTION 601
GENERAL

601.1 Scope.
The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility.
The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602
HEATING FACILITIES

602.1 Facilities required.
Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies.
Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

> **Exception:** In areas where the average monthly temperature is above 30° F. (-1° C.), a minimum temperature of 65° F. (18° C.) shall be maintained.

602.3 Heat supply.
Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from 1 October to 30 April to maintain a minimum temperature of 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms.

> **Exceptions:**
>
> 1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30° F. (-1° C.) a minimum temperature of 65° F. (18° C.) shall be maintained.

602.4 Occupiable work spaces.
Indoor occupiable work spaces shall be supplied with heat during the period from 1 October to 30 April to maintain a minimum temperature of 65° F. (18° C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement.
The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

602.6 Prohibited methods of heating.
Liquid-gas-type portable heating appliances shall be prohibited except in single-family residential homes. Where these appliances are permitted, all flammable or combustible liquid fuel shall be stored in compliance with the standards set by the Department of Fire and Rescue Services of the City of Reading. Wood-burning stoves are prohibited except in single-family residential owner-occupied homes.

SECTION 603
MECHANICAL EQUIPMENT

603.1 Mechanical appliances.
All mechanical appliances, fireplaces, solid-fuel-burning appliances, cooking appliances and water-heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products.
All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances.
All required clearances to combustible materials shall be maintained.

603.4 Safety controls.
All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air.
A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices.
Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604
ELECTRICAL FACILITIES

604.1 Facilities required.
Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service.
The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards.
Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.
The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.
Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;

2. Busway, rated a maximum of 600 volts;

3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.
The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.
Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation.
All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles.
Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.
Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.
Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General.
Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators.
In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

> **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General.
Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Chapter 7
Fire Safety Requirements

SECTION 701
GENERAL

701.1 Scope.
The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility.
The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702
MEANS OF EGRESS

[F] 702.1 General.
A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

[F] 702.2 Aisles.
The required width of aisles in accordance with the International Fire Code shall be unobstructed.

[F] 702.3 Locked doors.
All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

[F] 702.4 Emergency escape openings.
Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings, provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703
FIRE-RESISTANCE RATINGS

[F] 703.1 Fire-resistance-rated assemblies.
The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

[F] 703.2 Opening protectives.
Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704
FIRE PROTECTION SYSTEMS

[F] 704.1 General.
All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

> **[F] 704.1.1 Automatic sprinkler systems.**
> Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

[F] 704.2 Smoke alarms.
Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars, but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

   Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.

[F] 704.3 Power source.
In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring, provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke

alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

> **Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

[F] 704.4 Interconnection.
Where more than one smoke alarm is required to be installed within an individual dwelling unit as required by International Fire Code as adopted by the City of Reading in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

704.5 Tampering.
Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

704.6 Maintenance.
The property owner shall maintain all smoke detectors located in rental units.

704.7 Fire extinguishers.
Handheld portable fire extinguishers shall be mounted in the kitchen area in accordance with the manufacturer's installation instructions as well as Annex F of the National Fire Protection Association (NFPA) #10, The Standard for Portable Fire Extinguishers, 2007 Edition.

SECTION 705
ACCUMULATIONS AND STORAGE

705.1 Accumulations.
Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

705.2 Hazardous material.
Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the Building Code.

Chapter 8
Referenced Standards

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard: The application of the referenced standards shall be as specified in Section 102.7.

ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A 17.1/CSA B44—2007	Safety Code for Elevators and Escalators	606.1

ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
F 1346-91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC—12	International Building Code®	102.3, 201.3, 401.3, 702.3
IEBC—12	International Existing Building Code®	305.1.1, 306.1.1
IFC—12	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC—12	International Fuel Gas Code®	102.3
IMC—12	International Mechanical Code®	102.3, 201.3
IPC—12	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IRC—12	International Residential Code®	201.3
IZC—12	International Zoning Code®	102.3, 201.3

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
25-11	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	704.1.1
70-11	National Electrical Code	102.4, 201.3, 604.2

Appendix A
Boarding Standard

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101
GENERAL

A101.1 General.
All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102
MATERIALS

A102.1 Boarding sheet material.
Boarding sheet material shall be minimum 1/2-inch (12.7 mm) thick wood structural panels complying with the International Building Code.

A102.2 Boarding framing material.
Boarding framing material shall be minimum nominal two-inch by four-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

A102.3 Boarding fasteners.
Boarding fasteners shall be minimum 3/8-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

A103
INSTALLATION

A103.1 Boarding installation.
The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

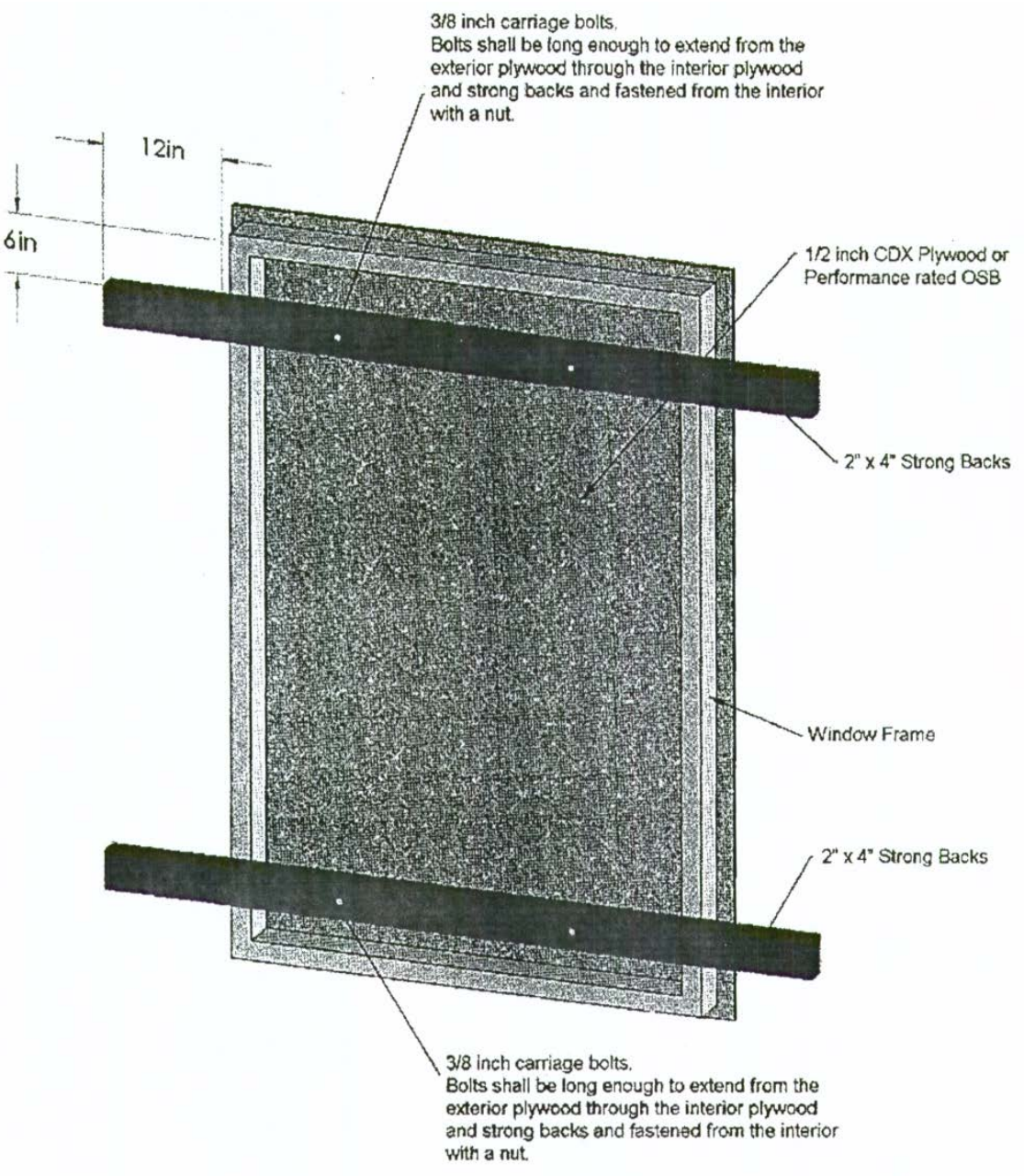

Figure A103.1(1)
Boarding of Door or Window

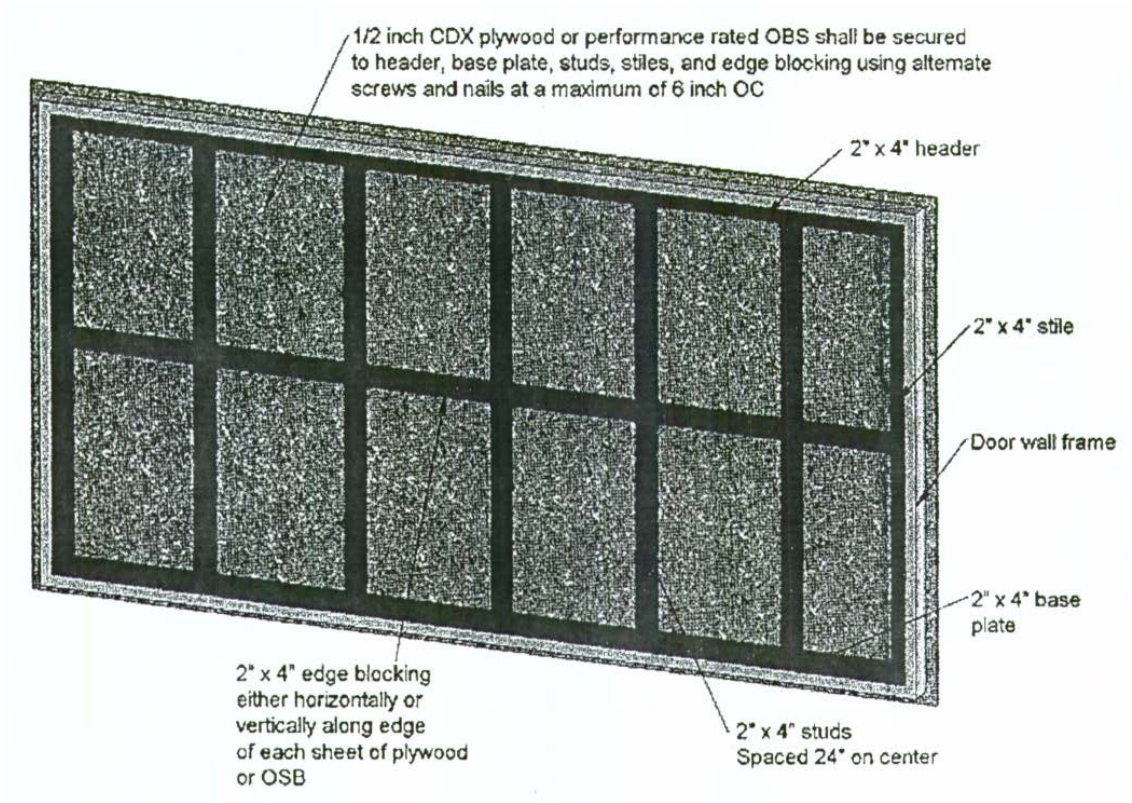

Figure A103.1(2)
Boarding of Door Wall

A103.2 Boarding sheet material.
The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows.
The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The two-inch by four-inch (51 mm by 102 mm) strong back framing material shall be cut minimum two inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening six inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls.
The door opening shall be framed with minimum two-inch by four-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1,219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every six inches (152 mm) on center.

A103.5 Doors.
Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

A104
REFERENCED STANDARDS

IBC—12	International Building Code	A102.1, A102.2, A102.3

Chapter 188

CURFEW

PART 1
Juvenile Curfew

§ 188-101. Findings.
§ 188-102. Purpose.
§ 188-103. Minors under 16.
§ 188-104. Minors 16 to 18.
§ 188-105. Duty of parent, guardian or custodian.
§ 188-106. Defenses.
§ 188-107. Duty of business owner.
§ 188-108. Authority of police officer.
§ 188-109. Temporary custody procedure.
§ 188-110. Violations and penalties.

PART 2
School Time Curfew

§ 188-201. Findings.
§ 188-202. Purpose.
§ 188-203. Definitions.
§ 188-204. Unlawful activity.
§ 188-205. Defenses.
§ 188-206. Enforcement procedure.
§ 188-207. Violations and penalties.
§ 188-208. Delegation.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

STATE LAW REFERENCES

Juvenile Act — See 42 Pa.C.S.A. § 6301 et seq.

PART 1

Juvenile Curfew

[Adopted 11-13-2000 by Ord. No. 22-2000 (Ch. 6, Part 2, of the 2001 Code of Ordinances)]

§ 188-101. Findings.

Juvenile violence in our community causes great concern for the immediate health, safety and general welfare of our citizens. The City highly values the health, safety and general welfare of our minors, and has a vested interest in preserving and nurturing them as a valuable asset and investment for Reading's future. Persons under the age of 18 are susceptible to be pressured to participate in unlawful activities and to be victims of older perpetrators of crime by their lack of maturity, experience and their vulnerability. The physical, psychological and moral well-being of our minors is threatened by the increasing presence of gangs and street crime. Minors in public places during late night and early morning hours are particularly susceptible to being victimized and abused. The City needs effective tools available to protect minors from the dangers that exist in the late and early morning hours at public places. The City believes that parental responsibility and supervision must be encouraged and promoted. The City finds that reasonable regulations on the hours which juveniles under the age of 18 years may be in or upon public streets, parks, or other places will protect the juveniles of this municipality and reinforce parental responsibility and authority.

§ 188-102. Purpose.

It is expressly the purpose of this Part to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Part. It is the specific intent of this Part that no provision or term used in this Part is intended to impose any duty whatsoever upon the City of Reading or any of its officers or employees, for whom the implementation and enforcement of this Part shall be discretionary and not mandatory. Nothing contained in this Part is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction of the Part of the City related in any matter to the enforcement of this Part by its officers, employees or agents.

§ 188-103. Minors under 16.

No person under the age of 16 years shall be on or present in any public street, avenue, alley, park or any other public place in the City between the hours of 10:00 p.m. and 5:00 a.m. of the following day, official City time, unless there exists a reasonable necessity therefor. The fact that such child is unaccompanied by any parent, guardian or other person having legal custody is found upon any street, alley or public place between the hours of 10:00 p.m. and 5:00 a.m. of the following day shall be prima facie evidence that such child is there unlawfully and no reasonable excuse exists therefor.

§ 188-104. Minors 16 to 18.

No person who is 16 years of age or older and under the age of 18 years shall loiter, loaf or idle on or about any public street, avenue, alley, park or other place in the City between the hours of 10:00 p.m. and 5:00 a.m. of the following day, official time.

§ 188-105. Duty of parent, guardian or custodian.

Like minors who have violated the offense, a parent of a minor is also subject to a separate fine. A parent or guardian of a juvenile (minor) commits an offense if he or she knowingly permits, or, by insufficient lawful control, allows the juvenile to remain in any public place or on the premises of any establishment within the curfew hours.

§ 188-106. Defenses.

It is a defense to prosecution under §§ 188-103 and 188-104 that:

A. The minor is accompanied by his or her parents or legal guardian.

B. The minor is upon an errand by his or her parent or legal guardian, or one made necessary by an emergency, without detour or stop.

C. The minor is in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through a curfew area is the most direct route.

D. The minor is attending an official school, religious or other recreational activity supervised by adults and sponsored by the City, a civic organization or another similar entity.

§ 188-107. Duty of business owner.

A. No person, firm or corporation operating or in charge of any place of amusement, entertainment or refreshment or other place of business shall permit any minor under the age of 18 years to loiter, loaf or idle in such place during the hours prohibited by this Part.

B. This Part shall not be construed as permitting the presence at any time of any person under the age of 18 years in any place where his presence is now prohibited by any existing law or ordinance.

C. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business finds persons under the age of 18 years loitering, loafing or idling in such place of business, he shall immediately order such person to leave, and if such person refuses to leave the place of business, the operator shall immediately notify the Police Department and inform them of the violation.

§ 188-108. Authority of police officer.

Any police officer is authorized to arrest, with or without warrant, any person or persons violating any provision of this Part, and any child unaccompanied by a parent, guardian or other adult person having the lawful care custody of such minor child.

§ 188-109. Temporary custody procedure.

A. A police officer who reasonably believes that juvenile is violating any of the provisions as described herein shall have the authority to take the juvenile into custody, shall inform the juvenile of the reasons for such custody, and may demand that the parent or guardian appear and take custody of the juvenile (minor). Should the parent not appear, or should the officer otherwise deem appropriate, the officer shall deliver, or arrange to deliver, the juvenile as follows:

(1) To juvenile's parent, guardian, custodian, or other adult person having custody or control of such juvenile. The officer releasing a juvenile into custody of an adult person having custody or control shall inform the adult of the reasons for the taking of the juvenile (minor) into custody; or

(2) The officer may take the juvenile to the home of an adult extended family member after attempting to notify the parent, guardian, or custodian.

B. In the event that Subsection A(1) and (2) are not appropriate under the circumstances, the officer may deliver the juvenile (minor) to the following:

(1) Juvenile will be taken to an appropriate social service agency with whom the City has contracted for such services or to an appropriate facility of the Department of Social and Health Services until the parent appears to take responsibility for the juvenile; or

(2) In event the parent fails to appear, the juvenile is to be referred to an appropriate social service agency with whom the City has contracted for such services of to an appropriate facility of the Department of Social and Health Services for consideration of further intervention and/or placement services.

§ 188-110. Violations and penalties.

Any juvenile and parent who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine no less than $50 and not in excess of $300, with additional community service for each occurrence.

PART 2
School Time Curfew
[Adopted 9-8-2008 by Ord. No. 57-2008 (Ch. 6, Part 7, of the 2001 Code of Ordinances)]

§ 188-201. Findings.

The City of Reading and community have legitimate concerns regarding the refusal or failure of juveniles to attend school as required by the Compulsory Attendance Statute of the Commonwealth, with evidence that juveniles who refuse to attend school are more likely to not complete elementary or secondary education and are more likely to engage in misconduct injurious to themselves or other persons or property.

§ 188-202. Purpose.

The City of Reading has an obligation to provide for the protection of juveniles from each other and from other persons, for the enforcement of parental responsibility for acts of their children, for the protection of the general public, and for the reduction of the incidents of juvenile criminal activity. The City also desires to promote the safety and good order of the community by encouraging parental responsibility and helping to eradicate or minimize the occurrences of rowdiness, vandalism, harassment, graffiti, theft, drug dealing, drug use, and other behaviors of juveniles as well as the harm done by juveniles to the community.

§ 188-203. Definitions.

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

ESTABLISHMENT — Any privately owned place of business operated for a profit to which the public is invited including, but not limited to, any place of amusement or entertainment.

GRADE SCHOOL — Any elementary or secondary institution.

GUARDIAN — A person who, under court order, is the guardian of a juvenile, or a public or private agency with which a juvenile has been placed by a court of competent jurisdiction.

HOMESCHOOL — Applies to children legally authorized to participate in a Home Education Program conducted in compliance with § 1327.1 of the Public School Code.[1]

JUVENILE — Any unmarried person over seven years of age and under 17 years of age or a person over 17 years of age and less than 18 years of age who is enrolled in or subject to compulsory education.

LOITERING — Remaining idle in essentially one location or lingering or standing around without purpose either alone or in consort with others. **[Amended 3-23-2009 by Ord. No. 11-2009]**

OPERATOR — Any individual, firm, association, partnership, corporation, or other entity, operating, managing or conducting any establishment. The term "operator" includes the members, owner or partners of an association, partnership or other similar entity and the officers of a corporation.

PARENT — A person who is the birth parent, stepparent or adoptive parent of a juvenile. As used herein, "parent" shall also include a court-appointed guardian or other person, 18 years of

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1. Editor's Note: See 24 P.S. § 13-1327.1.

age or older, authorized by the parent, a court order, or by the court-appointed guardian to have the care and custody of the juvenile.

PUBLIC PLACE — Any location to which the public or a substantial group of the public has access and includes, but is not limited to streets, sidewalks, the common areas of schools, parks, hospitals, apartment houses, office buildings, transport facilities, shopping centers, malls and other such common areas.

REMAIN — To fail to immediately leave specific premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

SCHOOL — Any public, private, denominational, charter or parochial education institution that is licensed, or exempt from licensing, by the Commonwealth of Pennsylvania or any other state or government, including any alternative program of study, including a home school, or work-study offered by such an institution and any degree granting institution of higher education as prescribed in the regulations of the Board of Education.

§ 188-204. Unlawful activity.

A. It shall be unlawful for any juvenile who is subject to compulsory education to loiter, wander, or be in or upon the public street, road, alley, park, playground or other public place, or the premises of any establishment, vacant lot or any unsupervised place in the City of Reading from 8:30 a.m. through 3:30 p.m. on any day for which the school, at which such juvenile is enrolled, is in session, subject to § 188-205.

B. It shall be unlawful for any juvenile who is subject to compulsory continuing/alternative education to loiter, wander or be in or upon a public street, road, alley, park, playground, or other public place or the premises of any establishment, vacant lot or any unsupervised place in the City of Reading from 8:30 a.m. through 3:30 p.m. on any day for which the school at which such juvenile is enrolled is in session, subject to § 188-205.

C. It shall be unlawful for the parent(s) or guardian(s) of any juvenile to knowingly permit or allow the juvenile to remain in, loiter, wander, or be in or upon the public street, road, alley, park, playground or other public place or the premises of any establishment, vacant lot or any unsupervised place from 8:30 a.m. through 3:30 p.m. on any day for which the school, at which such juvenile is enrolled, is in session, subject to § 188-205.

D. No operator of an establishment or the agents or employees thereof shall knowingly permit any juvenile to remain in or about any public place or any establishment between the hours of 8:30 a.m. and 3:30 p.m. during any day on which the school in which the juvenile is enrolled is in session.

E. It shall be unlawful for any juvenile to loiter within 1,000 feet of any grade school building from 8:00 a.m. through 3:30 p.m. on any day in which the school is in session, subject to § 188-205A through I.

§ 188-205. Defenses.

It is a defense to prosecution under this Part:

A. That the juvenile is accompanied by his or her parent(s), guardian(s), or other adult(s) who has the care or custody of the juvenile.

B. That the juvenile is on an emergency errand (without any detour or stop) directed by his or her parent(s), guardians) or other adult(s) who has the care or custody of the juvenile.

C. That the juvenile is going to or coming directly from, without detour or stop, with permission, his or her place of school or approved employment, which includes vocational training.

D. That the juvenile is going to or coming directly from a medical appointment or an emergency.

E. That the juvenile has permission to leave the school campus for lunch or a school-related activity or has possession of a valid school-issued off-campus permit.

F. That the juvenile is going to or coming from a continuing/alternative education activity.

G. That the juvenile is attending an official school, religious or other recreational activity supervised by adults or sponsored by the City of Reading or other governmental entity, a civic organization, or another similar entity that takes responsibility for the juvenile and that the parent(s) or guardian(s) has given permission for the student to attend such activity.

H. That the juvenile is going to or returning from, without any detour or stop, of the foregoing in Subsection G.

I. That the juvenile is going to or coming from any government-sponsored activity.

J. That the compulsory education or continuing/alternative education to which the juvenile is subject is not in session.

§ 188-206. Enforcement procedure.

A. Upon a juvenile's failure to comply with § 188-204A, B or E of this Part, a police officer shall issue a citation to the juvenile and transport the juvenile home or to the school from which the juvenile is absent. If cited, the juvenile and parent(s) or guardian(s) shall appear in District Justice Court. The parent(s) or guardian(s) shall be forwarded a copy of the citation of the juvenile, and said citation will be mailed via certified mail, return receipt requested, and will include a warning that the parent(s) is (are) responsible and liable as the juvenile's parent(s). Any and all records of such citations shall be maintained in the City's database. Each violation shall constitute a separate offense.

B. If the parent(s) or guardian(s) has (have) been warned pursuant to Subsection A hereof, then the officer may issue a citation to the parent(s) or guardian(s) for every subsequent violation of this Part. Each violation shall constitute a separate offense.

C. Once a citation is issued, pursuant to Subsection B hereof, each and every subsequent violation of this Part is cause for an officer to issue a citation to the parent(s) or guardian(s) of the juvenile.

D. If any operator of an establishment or any agents or employees of any operator fail to comply with the provisions of this Part, a police officer shall issue a citation for said violation. Each violation shall constitute a separate offense.

§ 188-207. Violations and penalties.

A. Any juvenile, parent(s) or guardian(s), individual(s), or operator(s) convicted of violating any section of this Part shall be subject to the following:

(1) First offense: $50, plus costs and performance of restorative or community service to be assigned by the Superintendent of Schools and/or school principal.

(2) Second offense: $100, plus costs and performance of restorative or community service to be assigned by the Superintendent of Schools and principal.

B. Any juvenile, parent(s) or guardian(s), individual(s) or operator(s) convicted of violating any section of this Part for a third and every subsequent offense, may be subject to a fine not less than $300 nor more than $1,000, plus costs and performance of community service as set forth in Subsection A.

C. Any community service required will not exceed 40 hours in a month and will be completed within 30 days from the date of the violation; community service imposed on a juvenile will not be completed by the juvenile during his or her hours of school attendance or related employment.

§ 188-208. Delegation.

Appropriate City officials, including members of the Police Department, authorized members of the Reading School District, including truancy enforcement and school safety officers, Children Youth Service employees and juvenile probation officers are authorized and directed to take such actions as are necessary to effectuate this Part.

Chapter 201

ELECTRIC SERVICE

PART 1
Reintroduction of Power Inspection Program

§ 201-101. Purpose.
§ 201-102. Definitions.
§ 201-103. Administration; enforcement.
§ 201-104. Inspection.
§ 201-105. Inspection procedure.
§ 201-106. Required inspection.
§ 201-107. Owner, tenant and/or responsible party responsibility.
§ 201-108. Fee.
§ 201-109. Regulations.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

PART 1

Reintroduction of Power Inspection Program

[Adopted 8-9-2010 by Ord. No. 52-2010 (Ch. 5, Part 15, of the 2001 Code of Ordinances)]

§ 201-101. Purpose.

Reintroduction of power to properties for which electricity has been turned off or de-energized for a period of one year or greater creates a risk. To ensure it is safe to reintroduce or restore power to such structures or units, a reintroduction of power inspection is required and the appropriate documentation submitted to the electricity supplier to permit restoration of power to the property. Reintroduction of power does not require a permit.

§ 201-102. Definitions.

The following words, terms and phrases when used in this Part shall be defined as follows, unless context clearly indicates otherwise:

BUILDING CODE OFFICIAL — City of Reading employee of the Building/Trades Division of the Community Development Department charged with overseeing said division and so registered with the Commonwealth of Pennsylvania Department of Labor and Industry.

CUT-IN CARD — Documentation issued by the Electrical Inspector to the Electrical Supplier/ Public Utility Company authorizing energizing of electrical services at the property.

DE-ENERGIZE — Discontinuing, shutting off, or ceasing the utility supply of electricity to a property by the electrical utility for reasons including but not limited to: vacancy, illegal tampering, nonpayment, fire or other structural damage.

ELECTRICAL INSPECTOR — City of Reading employee hired to perform the duties of Electrical Inspector in accordance with the City of Reading Code.

ELECTRIC COMPANY; ELECTRICAL SUPPLIER; PUBLIC UTILITY — Any person or corporation now or hereafter owning or operating in this commonwealth equipment or facilities for producing, generating, transmitting, distributing or furnishing electricity, for the production of light, heat, or power to or for the public for compensation.

ONE YEAR — 365 calendar days.

OVERCURRENT DEVICE — A device capable of providing protection for service, feeder, branch circuits and equipment over the full range of overcurrents between its rated current and its interrupting rating, including but not limited to fuses, circuit breakers or combinations thereof.

PROPERTY — Any property, structure or building in the City of Reading including any subcategory thereof, including but not limited to room, floor, apartment or condominium. Excluding new construction for which a permit and inspection is required under the permit.

REINTRODUCTION OF POWER — The reestablishing or re-energizing of a property with electrical power.

REINTRODUCTION OF POWER INSPECTION — An inspection performed by the Electrical Inspector of the City of Reading subsequent to de-energization of a property for a period of one year or longer and prior to reestablishing of electricity to a property to ensure the connections and electric panel are safe for re-energization of power to the property.

§ 201-103. Administration; enforcement.

The administration and enforcement of this Part shall be within the authority of the Electrical Inspector of the City of Reading or in the absence of the Electrical Inspector, person designated by the Building Code Official.

§ 201-104. Inspection.

The inspection would be to ensure it is safe to restore power/re-energize a property. The inspection would inspect the meter based and panel board and to ensure there are no electrical hazards.

§ 201-105. Inspection procedure.

Upon receipt of a request from a property owner or the electrical supplier/public utility company, the Electrical Inspector will schedule a reintroduction of power inspection at the property to be conducted within two working days of receipt of request via completed application and payment of requisite fee.

A. Passage of inspection. Upon passage of the inspection, the Electrical Inspector posts the appropriate label at the service location and submits the requisite documentation, including but not limited to a cut-in card to the electrical supplier/public utility. All breakers/ overcurrent devices would be placed in the off position.

B. Failure of inspection. If an inspection fails, no sticker or label would be issued, the contact on the application would be notified of the failure and the electrical supplier/public utility would be notified of the failure and no cut-in card would be issued thereto. The applicant would be notified that a licensed contractor would be required to make any requisite fixes/ repairs in accordance with obtaining of the necessary permits and the applicable provisions of the City of Reading Code and statutes of the Commonwealth of Pennsylvania. After the repairs have been made, the contractor shall contact the City of Reading Electrical Inspector to perform an inspection. If the inspection is passed, then procedures outlined in Subsection A shall be followed.

§ 201-106. Required inspection.

An inspection of a property shall be performed by the Electrical Inspector of the City prior to reintroduction of electric power to a property where the electric power has been de-energized for a period of one year or more.

§ 201-107. Owner, tenant and/or responsible party responsibility.

Upon passage of the inspection required hereby and reintroduction of power/re-energization of the property by the electrical supplier/public utility, it shall be the responsibility of the owner, tenant and/or responsible party to turn the breakers/overcurrent devices to the On position providing power throughout the property.

§ 201-108. Fee.

The Electrical Inspector shall charge a fee for performance of the reintroduction of power inspection as established and amended as necessary by ordinance by City Council under the City of Reading Fee Schedule.[1]

§ 201-109. Regulations.

The Electrical Inspector in conjunction with the Building Code Official is hereby authorized to promulgate rules and regulations and prepare an application to implement and supplement the provisions of this Part.

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1. Editor's Note: See Ch. 212, Fees.

Chapter 212

FEES

Part 1
Fee Schedule

§ 212-101. Alarm systems.
§ 212-102. Alcoholic beverages.
§ 212-103. Animals.
§ 212-104. Business licenses - annual license tax.
§ 212-105. Commercial laundries.
§ 212-106. Construction codes: Building Code.
§ 212-107. Construction codes: Electrical Code.
§ 212-108. Construction codes: Existing Building Code.
§ 212-109. Construction codes: Mechanical Code.
§ 212-110. Construction codes: Plumbing Code.
§ 212-111. Construction codes: Residential Code.
§ 212-112. Electric service.
§ 212-113. Fire prevention, fire protection and medical transportation.
§ 212-114. Food Code.
§ 212-115. Food vending machines and businesses.
§ 212-116. Housing.
§ 212-117. Lead-based paint.
§ 212-118. Massage therapists.
§ 212-119. Miscellaneous.
* Updated - Ordinance No. 14-2016 § 212-120. Parks and recreation.
§ 212-121. Peddling and soliciting.
§ 212-122. Poles.
§ 212-123. Police Department miscellaneous fees.
§ 212-124. Portable home storage units.
§ 212-125. Post fire fees.
§ 212-126. Property sales: certificate of transfer; health and safety inspections. * Updated - Ordinance No. 11-2016
§ 212-127. Public records.
§ 212-128. Rental housing inspection.
§ 212-129. Roadside and utility pole signs.
§ 212-130. Sales: mobile vendors.
§ 212-131. Sales: sidewalk sales.
§ 212-132. Sales: sidewalk vendors.
§ 212-133. Sewers and sewage disposal.
§ 212-134. Sexually oriented businesses.
§ 212-135. Sidewalk cafes.
§ 212-136. Curbside waste collection.
§ 212-137. (Reserved) * Updated - Ordinance No. 6-2016
§ 212-138. Solid waste: dumpsters.
§ 212-139. Stormwater management.
§ 212-140. Streets and sidewalks.
§ 212-141. Subdivision and land development.
§ 212-141.1. Tattoo establishments.
§ 212-142. Taxation.
§ 212-143. Trees.
§ 212-144. Vehicles and traffic.
§ 212-145. Vehicle storage.
§ 212-146. Zoning.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

Part 1
Fee Schedule[1]

[Adopted 11-13-2006 By Ord. No. 75-2006; Amended In Its Entirety 8-26-2013 By Ord. No. 35-2013]

§ 212-101. Alarm systems.[2]

Description	Fee	Ordinance No.	Code Citation
Permit application fee (nonrefundable)	$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		

1. **Editor's Note: This Part Was Reorganized And Renumbered At The Request Of The City In Order To Group Similar Fees Together.**
2. **Editor's Note: The following fees, previously included in this section, were repealed as follows: The fee for fire protection contractor false alarm was repealed 12-16-2013 by Ord. No. 78-2013.**

§ 212-102. Alcoholic beverages.

Description	Fee	Ordinance No.	Code Citation
Bottle club permit (administrative fee)	$250	35-2007	§ 127-306
Bottle club permit (annual renewal fee)	$250	35-2007	§ 127-306

§ 212-103. Animals.

Description	Fee	Ordinance No.	Code Citation
Permit for an exotic animal, domestic agricultural animal or native wildlife animal (per household)	$75 for the first calendar year $40 for subsequent years	57-2009	§ 141-204
The fee shall be disbursed $40 to the designated animal control authority and $35 to the City to cover the costs of inspections and administration. For subsequent years, the fee shall be $40 and will be disbursed $20 to the designated animal control authority and $20 to the City to cover costs.			
Dangerous or aggressive dog permit	$100	57-2009	§ 141-213
Reclaiming an impounded animal	$25 per day of impoundment	57-2009	§ 141-215

§ 212-104. Business licenses - annual license tax.[3]

Description	Fee	Ordinance No.	Code Citation
Solicitations (taking orders for goods)	$80	78-2013	§ 339-103
Pawnbroker	$400	78-2013	§ 339-103
Market house	$400	78-2013	§ 339-103
Express companies, power companies, communications	$400	78-2013	§ 339-103
Motor vehicles for hire (per vehicle)	$400	78-2013	§ 339-103
Motor buses (per vehicle)	$400	78-2013	§ 339-103
Motor buses (per vehicle) from the City to points with a radius of 10 miles	$200	78-2013	§ 339-103
Taxi	$50 each not to exceed $500	78-2013	§ 339-103

3. **Editor's Note: The following fees, previously included in this section, were repealed as follows: The fee for newspaper vendor at sidewalk stands, most recently amended by Ord. No. 60-1980, was repealed 12-16-2013 by Ord. No. 78-2013.**

Description	Fee	Ordinance No.	Code Citation
Bowling alley, pool and billiard tables, gaming tables (per alley or table)	$25	78-2013	§ 339-103
Theaters with live performances, circuses	$150	78-2013	§ 339-103
Movie theaters (no stage production)	$150	78-2013	§ 339-103
Amusement devices	$50	78-2013	§ 339-103
Shuffleboard	$25	78-2013	§ 339-103
Juke box, per establishment	$50	78-2013	§ 339-103
Coin-operated riding device	$25	78-2013	§ 339-103
Public dump or junkyard	$400	78-2013	§ 339-103
Business privilege license for special event, annually	$15	5-2015	§ 339-203
Business license fee (per year)	$55	36-2009	§ 339-205
License refusal appeal fee	$150	98-2014	§ 339-207
License reinstatement fee	$1,000	98-2014	§ 339-210

§ 212-105. Commercial laundries.

Description	Fee	Ordinance No.	Code Citation
Commercial laundry establishment permit (annual)	$50	19-2004; 40-2012; 124-2012	§ 173-106
Each washer and/or dryer	$10 per unit	78-2013	§ 173-106

§ 212-106. Construction codes: Building Code.[4]

Description	Fee	Ordinance No.	Code Citation
Permit fee: (based on labor and materials)		99-2006; 110-2012	§ 180-802
$0 to $250	$50		
$250.01 to $500	$70		
$500.01 to $1,000	$90		
$1,000.01 and up	$90 plus $15 per additional $1,000		
Administrative fee	$4	98-2006	§ 180-802
Consultation fee	$50 per hour	98-2006	§ 180-802

4. **Editor's Note: The following fees, previously included in this section, were repealed as follows: The fee for accessibility plan reviews and inspections, most recently amended by Ord. No. 43-2011, was repealed 12-8-2014 by Ord. No. 100-2014.**

Description	Fee	Ordinance No.	Code Citation
Residential, commercial, industrial, institutional plan review	$250	100-2014	
Removal of placard	$150	42-2011	§ 180-802
Application for appeal	$750	18-2010	§ 180-802
Fast track plan review	$400	100-2014	

§ 212-107. Construction codes: Electrical Code.

Description	Fee	Ordinance No.	Code Citation
Permit fee: (based on labor and materials)		98-2006	§ 180-702
$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	98-2006	§ 180-702
Consultation fee	$50 per hour	98-2006	§ 180-702
Removal of placard	$150	42-2011	§ 180-702
Rescheduling of inspections, administrative fee	$50	98-2006	§ 180-702
License fees		98-2006	§ 180-702
Master electrician	Reciprocity fee: $100		
	Exam fee: $100		
	Annual fee: $90		
Journeyman electrician	Reciprocity fee: $85	106-2010; 110-2012	
	Exam fee: $85		
	Annual fee: $50		
Special license	Annual fee: $125		
Special electrician	Reciprocity fee: $100	100-2014	
	Exam fee: $100		
	Annual fee: $50		

Description	Fee	Ordinance No.	Code Citation
Electrical installer A	Reciprocity fee: $100	100-2014	
	Exam fee: $100		
	Annual fee: $50		
Electrical installer B	Reciprocity fee: $100	100-2014	
	Exam fee: $100		
	Annual fee: $50		
Electrical installer C	Reciprocity fee: $100	100-2014	
	Exam fee: $100		
	Annual fee: $50		
Failure to renew license	$25 surcharge		
Replacement of lost license	$25		
Administrative fees for more than two violations in a twelve-month period	Third violation: $50	98-2006	§ 180-702
	Fourth violation: $75		
	Fifth and successive violations: $100		
Application for appeal	$750	18-2010	§ 180-702

§ 212-108. Construction codes: Existing Building Code.

Description	Fee	Ordinance No.	Code Citation
Permit fee: (based on labor and 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

§ 212-109. Construction codes: Mechanical Code.

Description	Fee	Ordinance No.	Code Citation
Rescheduling of inspections, administrative fee	$50	97-2006	§ 180-602
Permit fee: (based on labor and materials)		97-2006	§ 180-602
$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	97-2006	§ 180-602
Consultation fee	$50 per hour	97-2006	§ 180-602
Removal of placard	$150	42-2011	§ 180-602
Administrative fees for more than two violations in a twelve-month period	Third violation: $50	97-2006	§ 180-602
	Fourth violation: $75		
	Fifth and successive violations: $100		
Application for appeal	$750	18-2010	§ 180-602
License fees			
Mechanical contractor	Reciprocity fee: $100	97-2006	§ 180-602
	Exam fee: $100		
	Annual fee: $90		
Mechanical journeyman	Reciprocity fee: $100	100-2014	§ 180-602
	Exam fee: $100		
	Annual fee: $50		
Failure to renew license	$25 surcharge		

§ 212-110. Construction codes: Plumbing Code.

Description	Fee	Ordinance No.	Code Citation
License fees		106-2006	§ 180-902
Master plumber	Reciprocity fee: $100		
	Exam fee: $100		
	Annual fee: $90		
Journeyman plumber	Reciprocity fee: $100	106-2010; 100-2014	
	Exam fee: $100		
	Annual fee: $50		
Appliance contractor plumber	Reciprocity fee: $100	106-2010; 100-2014	
	Exam fee: $100		
	Annual fee: $50		
Appliance installer plumber	Reciprocity fee: $100	106-2010; 100-2014	
	Exam fee: $100		
	Annual fee: $50		
Sprinkler contractor	Reciprocity fee: $100		
	Annual fee: $90		
Sprinkler installer	Reciprocity fee: $65		
	Annual fee: $50		
Rescheduling of inspections, administrative fee	$50	106-2006	§ 180-902
Permit fee: (based on labor and materials)		106-2006	§ 180-902
$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	106-2006	§ 180-902
Consultation fee	$50 per hour	106-2006	§ 180-902

Description	Fee	Ordinance No.	Code Citation
Removal of placard	$150	42-2011	§ 180-902
Application for appeal	$750	18-2010	§ 180-902

§ 212-111. Construction codes: Residential Code.

Description	Fee	Ordinance No.	Code Citation
Permit fee: (based on labor and materials)		94-2006	§ 180-402
$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	94-2006	§ 180-402
Consultation fee	$50 per hour	94-2006	§ 180-402
Removal of placard	$150	42-2011	§ 180-402

§ 212-112. Electric service.

Description	Fee	Ordinance No.	Code Citation
Inspection prior to reintroduction of electricity/power	$100	53-2010	§ 201-108

§ 212-113. Fire prevention, fire protection and medical transportation. [Adopted 5-29-2012 by Ord. No. 62-2012; amended 3-11-2013 by Ord. No. 12-2013; 2-17-2015 by Ord. No. 7-2015]

A. Costs for services provided by the City of Reading, PA, Department of Fire and Services above and beyond normal course of duties:

Section	Description of Fee	Fee
F-101	Administrative fee for retrieval of fire report	$35
F-102	Heavy Rescue:	
	First hour	$500
	Each additional hour	$250
F-103	Light rescue:	
	First hour	$150
	Each additional hour	$75
F-104	Water supply for standpipe or fire pump test (includes fire engine at $100 per hour and two firefighters at $80 per hour)	$360 (minimum 2 hours)

Section	Description of Fee	Fee
	Each additional standpipe (more than one)	$100
	Processing of detail	$75
F-105	Water removal	
	(Minimum two firefighters required, per hour)	$80 (minimum 2 hours)
	Processing of detail	$75
	Apparatus:	
	Fire engine charge (per hour)	$100 (minimum 2 hours)
F-106	Lockouts/entry into premises	$50
F-107	Consultation fees (per hour):	
	In office discussion with insurance fire investigations, adjusters, attorneys, etc., regarding civil litigation	$50
	At scene discussion with insurance fire investigations, adjusters, attorneys, etc., regarding civil litigation	$75
F-108	Application for alternate method	$50
F-109	Spills/leaks:	
	Minor spills	$80/hour
	Other spills	$160/hour
	Apparatus (as needed)	Cost
	Supplies	Cost
	Processing of detail	$75
F-110	Service calls	$100
F-111	Unnecessary/needless false alarms:	
	No charge for first alarm in calendar year	
	Second unnecessary/needless false alarm in calendar year with increase per additional occurrence in calendar year in accordance with unnecessary/needless fire alarm ordinance (see needless alarm information below)	$50
F-112	Fire protection system registration:	
	Residential	$0
	Commercial	$0
F-113	Fire Department personnel and apparatus standby charges:	
	Firefighters charge (per hour)	
	(Minimum two firefighters required for all standby details, per hour)	$80 (minimum 2 hours)

Section	Description of Fee	Fee
	Apparatus:	
	Fire engine charge (per hour)	$100 (minimum 2 hours)
	Fire ladder truck charge (per hour)	$160 (minimum 2 hours)
	Processing of detail	$75
F-114	Hazardous materials cleanup (minimum two firefighters required for all standby details, per hour)	$80 (minimum 2 hours)
	Supplies	Cost
	Apparatus (per hour)	$100 (minimum 2 hours)
	Processing of detail	$75
F-115A	Copies (per page)	$1
F-115B	Copies of photographs (per photo)	$2
F-116	Fee for reviewing existing files	$25
F-117	Fire watch (minimum two firefighters required for all standby details, per hour)	$80 (minimum 2 hours)
	Apparatus:	
	Fire engine charge (per hour)	$100 (minimum 2 hours)
	Fire ladder truck charge (per hour)	$160 (minimum 2 hours)
	Processing of detail	$75
	Excludes fireworks and pyrotechnic standbys	
F-118	Chronic violations	
	Third violation	$50
	Fourth violation	$75
	Fifth violation	$100
	Increase per additional occurrence in calendar year, e.g.:	
	Sixth call: $125	
	Seventh call: $150	
	Eight call: $175, etc.	

B. Definitions of the above terms. As used in this section, the following terms shall have the meanings indicated:

ALTERNATE METHOD — Acceptable Methods of Compliance (see Section 104.9 of the 2009 IFC).

CHRONIC VIOLATIONS — Including but limited to a problem that continues to exist over an extended period of time without mitigation, failure to correct, failure to cease action.

HEAVY RESCUE — Service rendered by Fire Department personnel requiring the use of special equipment or tools (including, but not limited to the "Jaws of Life," air bags, etc.), to free persons entrapped, entangled, or confined in a wrecked vehicle, collapsed structure, excavation trench cave-in, any confined space, stalled elevator, or other similar major rescue effort not mentioned above.

LIGHT RESCUE — Service rendered by Fire Department personnel using normal tools, equipment, and procedures to free persons confined in wrecked vehicles or other confined space. Such services shall also include, but not be limited to:

(1) Mitigation of hazards at an accident scene from spilled fluids using absorbent or neutralizing materials.

(2) Stabilization of wrecked vehicles.

(3) Treatment of injured victims prior to the arrival of EMS.

(4) Assisting EMS in preparation and removal of injured victims.

(5) Maintenance of scene security, traffic and crowd control prior to the arrival of police.

MINOR SPILLS — Fifty-five gallons or less contained in a small area.

OTHER SPILLS — More than 55 gallons or a spill of 55 gallons or less that exists in an extended area.

SERVICE CALLS — A nonemergency calls responded to by the Department of Fire and Rescue Services.

UNNECESSARY CALLS/FALSE ALARMS — The City of Reading Department of Fire and Rescue Services shall charge for responding to calls resulting from the repeated activation of fire alarm systems due to causes other than fire or smoke. Such causes include, but are not limited to:

(1) Alarm activation for no apparent reason.

(2) Alarms resulting from failure to properly maintain or repair system.

(3) Failure to protect detection devices from dust, dirt, or fumes during construction, fumigation or similar situations.

(4) Failure to use proper exhaust or ventilation equipment to prevent activation of detection devices by cooking smoke, steam, fumes, etc.

(5) Intentional activation of alarm when no emergency exists.

C. Other matters involving fee schedule.

(1) Appeals. Unless otherwise provided by law, to appeal a bill for a service provided under the above fee schedule, you must request a hearing thereof by submitting a written request therefor within three business days of receipt of the original bill for the service. Said request must set forth the information on the bill and is to be addressed to the Fire Marshal for the City of Reading, Room 1-41 City Hall, 815 Washington Street, Reading, Pennsylvania 19601. The Fire Chief and/or Fire Prevention Lt. may address the appeal in the absence of the Fire Marshal.

(2) Collections. All bills for services provided and billed under the above fee schedule and as set forth herein which are not paid in full within 60 days of the original date of billing shall be turned over to a collections agency for receipt. This provision shall not apply to situations where arrangements have been made and confirmed in writing prior to the expiration of the aforesaid 60 days for payments to be made on such debt.

(3) Restitution. In addition to the fees set forth above, the City of Reading Department of Fire and Rescue Services reserves the right to charge and issue bills to recover costs and fees beyond that set forth herein when required to mitigate, abate, render safe or respond to any situation, emergency or nonemergency, which is result of clear negligence or failure to comply with and follow code requirements and verbal instructions of the Department of Fire and Rescue Services.

D. Unnecessary/needless fire alarm responses.

(1) False alarm fees were increased by ordinance, as required by the Act 47 Recovery Plan (FD06) adopted June 11, 2010. Per the ordinance, included in this adoption was a fee change with the unnecessary calls/false alarms (see fee schedule).

(2) Unnecessary calls/false alarms. Those calls resulting from the repeated activation of fire alarm systems due to causes other than fire or smoke. Fee shall be charged for each incident, commencing with the second occurrence during any calendar year. Such causes include, but are not limited to:

(a) Alarm activation for no apparent reason.

(b) Alarms resulting from failure to properly maintain or repair system.

(c) Failure to protect detection devices from dust, dirt, or fumes during construction, fumigation or similar situations.

(d) Failure to use proper exhaust or ventilation equipment to prevent activation of detection devices by cooking smoke, steam, fumes, etc.

(e) Intentional activation of alarm when no emergency exists.

(3) Unnecessary calls/false alarm fee schedule.

Alarm in Calendar Year	**Fee**
1	Free (no charge)
2	$50
3	$50
4	$100
5	$100
6	$150
7	$150
8	$150
9	$150
10	$250

Alarm in Calendar Year	Fee
11	$250
12	$250
13	$500
For each alarm 14 and greater (over 13) in a calendar year	$500 per alarm

E. Other matters involving fee schedule with the City of Reading through ordinance bill.

(1) Appeals.

(a) Unless otherwise provided by law, to appeal a bill for a service provided under the above fee schedule, you must request a hearing thereof by submitting a written request therefor within three business days of receipt of the original bill for the service. Said request must set forth the information on the bill and shall be addressed to:

Department of Fire and Rescue Services

c/o Fire Marshal, Suite 1-41

815 Washington Street

Reading, Pennsylvania 19601

(b) The Fire Chief and/or Fire Prevention Lt. may address the appeal in the absence of the Fire Marshal.

(2) Collections. All bills for services provided and billed under the above fee schedule and as set forth herein which are not paid in full within 60 days of the original date of billing shall be turned over to a collection agency for receipt. This provision shall not apply to situations where arrangements have been made and confirmed in writing prior to the expiration of the aforesaid 60 days for payments to be made on such debt.

(3) Restitution. In addition to the fees set forth above, the City of Reading Department of Fire and Rescue services reserves the right to charge and issue bills to recover costs and fees beyond that set forth herein when required to mitigate, abate, render safe or respond to any situation, emergency or nonemergency, which is result of clear negligence or failure to comply with and follow code requirements and verbal instructions of the Department of Fire and Rescue Services.

F. Fire Code inspection fees. Annual fee for Fire Code inspection of use/occupancy:

Section	Description of Permit Inspection	Fee
PI-101	Assembly occupancies	
	Class A — Occupant levels exceeding 1,000	$150
	Unless building is 30,000 square feet or greater	$250
	Class B — Occupant levels 301 to 1,000	$125

Section	Description of Permit Inspection	Fee
	Class C — Occupant levels 50 to 300	$100
PI-102	Apartment buildings	
	Class A — Exceeding 26 units per building	$320
	Class B — 11 to 25 units per building	$175
	Class C — 5 to 10 units per building	$100
PI-103	Business — Office/college per building	
	Class A — Exceeding 30,000 square feet per building	$250
	Class B — 10,001 to 30,000 square feet per building	$150
	Class C — Less than 10,000 square feet per building	$100
PI-104	Day-care facilities per building	
	Class A day-care center (13 or more persons receiving care)	$150
	Class B Group day-care (6 to 12 persons receiving care)	$100
	Class C Home day-care (1 to 5 persons receiving care)	$65
PI-105	Educational	$100
	Unless 30,000 square feet or greater	$250
PI-106	Industrial/factory per building	
	Class A — Exceeding 30,000 square feet per building	$250
	Class B — 10,001 to 30,000 square feet per building	$150
	Class C — Less than 10,000 square feet per building	$100
PI-107	Health care facilities — 24 hour basis per building	
	Class A — Occupant levels exceeding 401 per building	$250
	Class B — Occupant levels 201–400 per building	$210
	Class C — Occupant levels less than 200 per building	$210
PI-108	Hotels/motels	
	Class A — Exceeding 51 rooms per building	$320
	Class B — 26 — 50 rooms per building	$175
	Class C — 5 to 10 rooms per building	$135

Section	Description of Permit Inspection	Fee
PI-109	Lodging/rooming house	
	Class A — Exceeding 26 units per building	$250
	Class B — 11 to 25 units per building	$150
	Class C — 5 to 10 units per building	$100
PI-110	Mercantile	
	Class A — Exceeding 30,000 square feet or 3 floors per building	$250
	Class B — 5,000 to 30,000 square feet per building	$150
	Class C — Less than 5,000 square feet per building	$100
PI-111	Storage, warehouse, parking garage, freight terminal	
	Class A — Exceeding 30,000 square feet per building	$250
	Class B — 10,001 to 30,000 square feet per building	$150
	Class C — Less than 10,000 square feet per building	$100
PI-112	Other/miscellaneous as determined (per hour)	$40 minimum
PI-113	Pre-sales inspection (per hour)	$40 minimum
PI-114	Failure to request cancellation of inspection in writing within 24 hours of scheduled start time of inspection	$50
PI-115	Reinspection fee (failure to correct violations noted after first reinspection and subsequent inspections)	$50
PI-116	Late payment of inspection permit fee prior to 60 days (applicable to pre- and post-collections process)	$25
PI-117	After-hours inspections/tests (per hour)	$40 (minimum 2 hours)
PI-118	Chronic violations (in addition to each respective legal action initiated):	
	Third violation	$50
	Fourth violation	$75
	Fifth violation	$100

Section	Description of Permit Inspection	Fee
	Increase per additional occurrences in calendar year, for ex.:	
	Sixth call: $125	
	Seventh call: $150	
	Eight call: $175, etc.	

G. Definitions of above terms (if not defined, see IFC 2009 Edition). As used in this section, the following terms shall have the meanings indicated:

AFTER-HOURS INSPECTIONS/TESTS — Inspections performed and tests witnessed after normal working hours.

ASSEMBLY OCCUPANCIES — Buildings in which people gather for such purposes as civic, social, religious functions, entertainment, dining, amusements or awaiting transportation.

CHRONIC VIOLATION — Including but limited to a problem that continues to exist over an extended period of time without mitigation, failure to correct, failure to cease action.

EDUCATIONAL — Schools, academics, kindergarten and nursery.

HEALTH CARE FACILITIES — Hospitals, nursing homes, medical institutions.

LODGING/ROOMING HOUSE — Guesthouse, bed-and-breakfast, and foster homes.

PRE-SALES INSPECTION — Inspection includes written verification of all fire protection systems.

REINSPECTION FEE — For each inspection that is required as a result of the need to reschedule a scheduled inspection for one or more of the following reasons:

(1) Work not constructed/completed in accordance with applicable code(s)/standard(s)/approved construction document(s).

(2) Work incomplete at time of requested inspection.

(3) Access to work requiring inspection not provided.

(4) Failure to correct noted violations upon two second and future reinspection(s).

H. 901.6.2 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be provided to the Office of the Fire Marshal, by the company performing the inspection(s), through the third-party reporting system, Brycer, LLC, at a fee of $10 per inspection payable directly to Brycer, LLC.

I. Operational permits fees. Permits required to perform the operations set forth herein as defined in the International Fire Code/City of Reading Fire Prevention Code (2009 Edition):

Section	Operation	Fee
105.6.1	Aerosol products	$150
105.6.2	Amusement buildings	$150
105.6.3	Aviation facilities	$150
105.6.4	Carnivals and fairs	$150
105.6.5	Cellulose nitrate film	$150
105.6.6	Combustible dust-producing operations	$150
105.6.7	Combustible fibers	$150
105.6.8	Compressed gases	$150
105.6.9	Covered mall buildings	$150
105.6.10	Cryogenic fluids	$150
105.6.11	Cutting and welding	$150
105.6.12	Dry-cleaning plans	$150
105.6.13	Exhibits and trade shows	$150
105.6.14	Explosives	$150
105.6.15	Fire hydrants and valves	$150
105.6.16	Flammable combustible liquids	$150
105.6.17	Floor finishing	$150
105.6.18	Fruit and crop ripening	$150
105.6.19	Fumigation and thermal insecticidal fogging	$150
105.6.20	Hazardous materials	$150
105.6.21	HPM facilities	$150
105.6.22	High-filed storage	$150
105.6.23	Hot work operations	$150
105.6.24	Industrial ovens	$150
105.6.25	Lumberyards and woodworking plans	$150
105.6.26	Liquid- or gas-fueled vehicles or equipment in assembly buildings	$150
105.6.27	LP gas	$150
105.6.28	Magnesium	$150
105.6.29	Miscellaneous combustible storage	$150
105.6.30	Open burning	$150
105.6.31	Open flames and torches	$150
105.6.32	Open flames and candles	$150
105.6.33	Organic coatings	$150
105.6.34	Places of assembly	$150
105.6.35	Private fire hydrants	$150

Section	Operation	Fee
105.6.36	Pyrotechnic special effects (includes plan review fee and inspection)	$300
105.6.37	Pyroxylin plastics	$150
105.6.38	Refrigeration equipment	$150
105.6.39	Repair garages and motor fuel-dispensing facilities	$150
105.6.40	Rooftop heliports	$150
105.6.41	Spaying and dipping	$150
105.6.42	Storage of scrap tires and tire by-products	$150
105.6.43	Temporary membrane structures, tents and canopies	$150
105.6.44	Tire-rebuilding plants	$150
105.6.45	Waste handling	$150
105.6.46	Wood products	$150
Add: 105.6.47	Fireworks (includes plan review fee and inspection)	$300
Add: 105.6.48	Storage of pesticides and herbicides	$150
Add: 105.6.49	Tar kettles	$150

J. Other matters involving permits/inspection fees.

(1) Appeals. Unless otherwise provided by law, to appeal a bill for a service provided under the above fee schedule, you must request a hearing thereof by submitting a written request therefor within three business days of receipt of the original bill for the service. Said request must set forth the information on the bill and is to be addressed to the Fire Marshal for the City of Reading, Room 1-41 City Hall, 815 Washington Street, Reading, Pennsylvania 19601. The Fire Chief and/or Fire Prevention Lt. may address the appeal in the absence of the Fire Marshal.

(2) Collections. All bills for services provided and billed under the above fee schedule and as set forth herein which are not paid in full within 60 days of the original date of billing shall be turned over to a collections agency for receipt. This provision shall not apply to situations where arrangements have been made and confirmed in writing prior to the expiration of the aforesaid 60 days for payments to be made on such debt.

(3) Penalties. Commencement of use or occupancy of a premises and any system installation which require an inspection and permit prior thereto will result in preclusion of use or occupancy of such premise or building until an inspection has been performed and a permit issued. Additionally, such use or occupancy may subject the violator to prosecution as authorized by law and/or doubling of the permit fee.

(4) Refunds. The City of Reading will not issue refunds for fees/monies paid following submission for review of a construction permit or plan review whether or not the plan or project is built/completed.

(5) To acquire an operational permit, an applicant must submit, in addition to the appropriate fee, the documentation and information for such a permit per the regulations established by the Fire Marshal for the Department of Fire and Rescue Services. A permit will not be issued nor a plan therefor reviewed until compliance with the established regulations occurs and the appropriate fee received.

(6) Penalties. Performance of the aforesaid operation without a permit or operation performed in excess of a permit will result in a charge of 100% of usual permit fee in addition to normal fee (or doubling of the cost of the permit fee). Additionally, such performance of operation may subject the violator to prosecution as authorized by law.

(7) Refunds. The City of Reading will not issue refunds for fees/monies paid following submission for review of the requirements for an operational permit or plan review whether or not the plan or project is built/completed.

(8) Restitution. In addition to the fees set forth above, the City of Reading Department of Fire and Rescue Services reserves the right to charge and issue bills to recover costs and fees beyond that set forth herein when required to mitigate, abate, render safe or respond to any situation, emergency or nonemergency, which is result of clear negligence or failure to comply with and follow code requirements and verbal instructions of the Department of Fire and Rescue Services.

K. Certificate of fitness.

(1) No person shall engage in the following activities without a certificate of fitness issued by the Fire Official (City of Reading, PA, Department of Fire and Rescue Services, Fire Marshal's Office).

(2) A certificate of fitness shall be obtained by all applicants/vendors [companies or person(s)] for the purposes of conducting any operation or performing an act for which a certificate of fitness is required as set forth below:

(a) Application. Applicant shall meet the standards and regulations established by the Fire Marshal, including possession of a covering the work requested, workmen's compensation for employees as required by federal, state or local mandated regulations, laws, and statutes. Additionally, an exhibition of appropriate levels of education, training, certification, and experience shall be submitted to the Fire Marshal for review and certificate of fitness issuance prior to any work commencing. The applicant and all employees engaging in the specified work shall have a strong familiarity and understanding of fire protection systems/fire code application for which a certificate of fitness is requested. An application on a form prescribed by the Fire Marshal and a fee ($125 per system applied for) as established by ordinance of City Council of the City of Reading per system, shall be submitted to the Department of Fire and Rescue Services - Fire Marshal's Office for review and approval for each system described herein for which an applicant seeks to obtain a certificate of fitness.

(b) Certificates of fitness shall be valid for one year, January 1 through December 31 of each calendar year. Certificate holders must reapply each calendar year, and provide the fee as established by City Council per system for which they seek approval and listing. Performance of work on a system described below in the City of Reading, PA without a certificate of fitness, shall cause the violator to be precluded from applying for a certificate of fitness for a period of one calendar year, and subject the violator to fines, double fee costs, citations, and additional costs as provided for herein.

(3) Additional categories.

(a) The Fire Official may require a certificate of fitness for certain processes which pose an unusual risk to the public safety or in cases or as part of the code modification process.

(b) Certificate of fitness.

Certificate of fitness fee: $125 per system per calendar year

CF — 101	Automatic fire alarm systems (NRTL Listed)	Installation/service/inspection
CF — 102	Fire sprinkler/standpipe	Installation/service/inspection
CF — 103	Hood and duct systems	Installation/service/inspection
CF — 104	Alternative fire extinguishing systems	Installation/service/inspection
CF — 105	Central stations (NRTL Listed)	Retransmission/recordkeeping/ reporting/runner's service (all elements per NFPA 72)
CF — 106	Fire extinguishers	Installation/service/inspection
CF — 107	Fireworks/pyrotechnics	Displays/demonstrations/ performance
CF — 108	Blasting/demolition	Use/storage/transportation
CF — 109	Other	As defined by Fire Code Official

L. Fire protection systems - construction permits and plans examination review fee.

(1) Permits shall be required from the City of Reading, PA, Department of Fire and Rescue Services for and prior to construction, installation, etc., for the following work as defined in the IFC 2009 Edition as adopted by the City of Reading:

105.7.1 — Automatic Fire-Extinguishing Systems

ADD: 105.7.1.1 — Automatic Sprinkler Systems

105.7.2 — Battery Systems

105.7.3 — Compressed Gases

105.7.4 — Fire Alarm and Detection Systems and Related Equipment

105.7.5 — Fire Pumps and Related Equipment

105.7.6 — Flammable and Combustible Liquids

105.7.7 — Hazardous Materials

105.7.8 — Industrial Ovens

105.7.9 — LP Gas

105.7.10 — Private Fire Hydrants

105.7.11 — Spraying or Dipping

105.7.12 — Standpipe Systems

105.7.13 — Temporary Membrane Structures, Tents and Canopies

ADD: 105.7.14 — Hood and Duct Systems

(2) The cost of a permit shall include plan review and inspection, issuance of the permit, as well as contact during plan review. The fee for a plan review and issuance of a permit for construction as described herein shall be the greater of: 1.5% of final job costs or $50 (minimum).

(3) To acquire a construction permit, a person/developer must submit an application on the form prescribed by the Department of Fire and Rescue Services and comply with the requirements set forth on the application and packet in which it is encompassed, including but not limited to submission of all necessary plans, documents, etc. A plan will not be reviewed nor a permit issued without a completed application and receipt of all requisite documentation and fee.

(4) As-built. Should it be determined that the job costs greatly differentiate from the as-built costs, to save monies on the fee for the permit and plan review, at the discretion of the Fire Marshal, the City of Reading Department of Fire and Rescue Services reserves the right to undertake any and all appropriate and applicable methods, including but not limited to commencement of legal action to obtain the difference of the fee submitted for a permit and estimated job costs and the as-built costs.

(5) Consultation fee. In addition to the fee for a permit as set forth herein, a fee of $50 per hour shall be charged for consultation either in person or via telephone with the Fire Marshal or his/her designee for consultation prior to submission of plans for review and subsequent to approval of plans and issuance of permit beyond one hour total time.

(6) Penalties. Commencement of a systems construction project prior to plan review or working without a permit or work performed in excess of a permit shall result in a fee in the amount of 100% of the usual the permit fee being accessed in addition to the usual fee (the fee will doubled).

(7) Refunds. The City of Reading Department of Fire and Rescue Services will not issue refunds for fees/monies paid for review of a plan for a systems construction permit following payment of the fee and submission of a plan regardless if the system is built.

(8) Revised plans. Should a person/developer elect not to proceed with construction of a project following submission and review of plan and/or receipt of approval/ permit therefor but rather redesign the plan on their own, they shall be required to recommence the process of obtaining a permit and review, including but not limited to payment of the fee in full.

M. Plans examination fee for architectural construction review.

(1) Review of architectural plans to ensure compliance with all applicable laws, regulations, statutes and ordinance enforced and oversaw by the Department of Fire and Rescue Services for the City of Reading per the International Fire Code (2009 Edition) as adopted by the City:

105.7.14 — Architectural Construction Plan Review:

The cost of a permit shall include plan review and inspection, issuance of the permit as well as consultation during plan review. The fee for a plan review and issuance of a permit for construction shall be based on the value of the project as described herein:

Value of the Project	**Fee**
$0 to $500,000	$250
$500,001 to $1,000,000	$500

Fees for review of projects valued in excess of $1,000,000 shall be $250 for each additional $500,000 or part thereof of the value of the project.

To acquire a construction permit, a person/developer must submit an application on the form prescribed by the Department of Fire and Rescue Services and comply with the requirements set forth on the application and packet in which it is encompassed, including but not limited to submission of all necessary plans, documents, etc. A plan will not be reviewed nor a permit issued without a completed application and receipt of all requisite documentation and fee.

(2) As-built. Should it be determined that the job costs greatly differentiate from the as-built costs, to save monies on the fee for the permit and plan review, at the discretion of the Fire Marshal, the City of Reading Department of Fire and Rescue Services reserves the right to undertake any and all appropriate and applicable methods, including but not limited to commencement of legal action to obtain the difference of the fee submitted for a permit and estimated job costs and the as built costs.

(3) Consultation fee. In addition to the fee for a permit as set forth herein, a fee of $50 per hour shall be charged for consultation either in person or via telephone with the Fire Marshal or his/her designee for consultation prior to submission of plans for review and subsequent to approval of plans and issuance of permit beyond one hour total time.

(4) Penalties. A fee in the amount of 100% of the usual the permit fee will be accessed in addition to the usual fee (the fee will doubled) for performance of work or construction without permit fee, or in excess of a permit.

(5) Refunds. The City of Reading Department of Fire and Rescue Services will not issue refunds for fees/monies paid for review of a plan for an architectural review permit following payment of the fee and submission of a plan regardless if the system is built.

(6) Revised plans. Should a person/developer elect not to proceed with construction of a project following submission and review of plan and/or receipt of approval/ permit therefor but rather redesign the plan on their own, they shall be required to

recommence the process of obtaining a permit and review, including but not limited to payment of the fee in full.

N. Membership and nonemergency transportation fees.

(1) City of Reading annual membership plan:

(a) Single person: $45.

(b) Family plan: $70.

(2) Wheelchair van services:

(a) Nonmember, one-way trip: $60 plus $4 per loaded mile.

(b) Nonmember, round trip: $80 plus $4 per loaded mile.

(c) Member, one-way trip: $50 plus $2 per loaded mile.

(d) Member, round trip: $70 plus $2 per loaded mile.

§ 212-114. Food Code.

Description	Fee	Ordinance No.	Code Citation
Small restaurant	$220 yearly	124-2012	§ 251-0901.03
Large restaurant	$400 yearly	124-2012	§ 251-0901.03
Ancillary restaurant - includes nonprofits and concessions	$100 yearly	124-2012	§ 251-0901.03
Itinerant restaurant	$220 yearly	72-2011	
Small grocery (less than 1,500 gross square feet)	$220 yearly	124-2012	§ 251-0901.03
Large grocery (1,500 to 2,500 gross square feet)	$400 yearly	124-2012	§ 251-0901.03
Supermarket (greater than 2,500 gross square feet)	$600 yearly	124-2012	§ 251-0901.03
Bakery	$220 yearly	2-2013	
Mobile vending	$125 yearly	124-2012	§ 251-0901.03
Catering/commissary license	$200 yearly	124-2012	§ 251-0901.03
Food vendor for special event	$10 per event	5-2015	§ 251-0901.03
Reinspection fee	$75	124-2012	
Noncorrected item at first reinspection	$10	124-2012	
Noncorrected item at first reinspection	$25	124-2012	
Per establishment processing fee	$50	124-2012	

§ 212-115. Food vending machines and businesses.

Description	Fee	Ordinance No.	Code Citation
Enclosed vending machine or vending machine bank (annual permit)	$12	94-2010	§ 583-107
Vending machine on the public right-of-way (annual permit)	$20	94-2010	§ 583-107
Inspection fee	Per machine: $45	94-2010	§ 583-112
	Vending machine bank: $45 plus $10 for each additional machine located within the vending machine bank		

§ 212-116. Housing.[5]

Description	Fee	Ordinance No.	Code Citation
Annual housing registration fee	$100 per parcel	79-2015	§ 308-103
Surcharge for failure to submit annual housing renewal form and annual housing fee by April 1	$300 per parcel	105-2012; 34-2013; 79-2015	§ 308-104
Administrative fee for failure to apply for a housing registration			
Noncompliance surcharge for failure to apply for necessary housing registration	$1,000 per unit	34-2013; 79-2015	§ 308-112
Continuing noncompliance surcharge until housing registration is complete	$300 per unit per month or portion thereof	34-2013; 79-2015	§ 308-112
Deposit for appeal	$100 (security deposit)	79-2015	§ 308-119
Abandoned real property registration	$200	48-2013	§ 308-303
Disruptive conduct appeal	$50	25-2014; 79-2015	§ 308-132

5. **Editor's Note: The following fees, previously included in this section, were repealed as follows: The fee for a handicapped permit, most recently amended by Ord. No. 31-2009, was repealed 12-16-2013 by Ord. No. 78-2013. The fee for failure of owner or authorized agent to appear for scheduled inspections, most recently amended by Ord. No. 92-2012, and the fee for annual vacant property registration, most recently amended by Ord. No. 72-2012, were repealed 11-23-2015 by Ord. No. 79-2015.**

§ 212-117. Lead-based paint.

Description	Fee	Ordinance No.	Code Citation
Lead-based paint inspections			
Initial inspection	$100	76-2009	§ 328-104
First inspection extension	$50	76-2009	§ 328-104
Each subsequent inspection extension	$50	76-2009	§ 328-104
Administrative fee for no show	$50	76-2009	§ 328-104

§ 212-118. Massage therapists.

Description	Fee	Ordinance No.	Code Citation
Massage therapist permit fee	$125	11-2005; 38-2011	§ 364-104

§ 212-119. Miscellaneous.

Description	Fee	Ordinance No.	Code Citation
City of Reading Code (purchase of Code)	$600	78-2013	N/A
Tax, water and sewer certifications	$35	78-2013	N/A
Dishonored check fee	$35	78-2013	N/A
Payment in coin surcharge	20%	78-2013	N/A
Law Department: Lien statement request received by the City's Law Department from individuals and/or entities, except requests from City employees in the course of their duties	$25	41-2009	N/A
Bid protest fee	5% of contract award amount, or, if the contract value cannot be determined, $1,250	100-2014	

§ 212-120. Parks and recreation.[6]

* Updated - Ordinance No. 14-2016

Description	Fee	Ordinance No.	Code Citation
City park band shell rental fee	$400 for 6 hours	40-2009	§ 396-103
	$10 per hour over 6 hours		
Pendora field house (6 hours):			
City resident	$175	30A-2013	N/A
City nonprofit	$175	30A-2013	N/A
City schools	$175	30A-2013	N/A
City for-profit nonresident	$225	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Pendora field house (additional hours over 6):			
City resident	$25 p/h	30A-2013	N/A
City nonprofit	$25 p/h	30A-2013	N/A
City schools	$25 p/h	30A-2013	N/A
City for-profit nonresident	$25 p/h	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Schlegel field house (6 hours):			
City resident	$125	30A-2013	N/A
City nonprofit	$125	30A-2013	N/A
City schools	$125	30A-2013	N/A
City for-profit nonresident	$175	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Schlegel field house (additional hours over 6):			
City resident	$25 p/h	30A-2013	N/A
City nonprofit	$25 p/h	30A-2013	N/A
City schools	$25 p/h	30A-2013	N/A
City for-profit nonresident	$25 p/h	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
3rd and Spruce Gym (minimum two-hour rentals only)			
During normal working hours			

6. **Editor's Note: The following fees, previously included in this section, were repealed as follows: The fees for chairs and tables, bingo cage, PA system and popcorn machine, all most recently amended by Ord. No. 20-2008, and pool rental and lifeguard, were repealed 12-16-2013 by Ord. No. 78-2013.**

Description	Fee	Ordinance No.	Code Citation
City resident	$35 p/h	30A-2013	N/A
City nonprofit	$35 p/h	30A-2013	N/A
City schools	$20 p/h	30A-2013	N/A
City for-profit nonresident	$75 p/h	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Outside normal working hours			
City resident	$50 p/h	30A-2013	N/A
City nonprofit	$50 p/h	30A-2013	N/A
City schools	$50 p/h	30A-2013	N/A
City for-profit nonresident	$90 p/h	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Tournaments (3rd and Spruce) (minimum 6 hours up to 12 per day)			
City resident	$50 p/h	30A-2013	N/A
City nonprofit	$50 p/h	30A-2013	N/A
City schools	$50 p/h	30A-2013	N/A
City for-profit nonresident	$90 p/h	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
11th and Pike Gym (minimum two-hour rentals only)			
During normal working hours			
City resident	$25 p/h	30A-2013	N/A
City nonprofit	$25 p/h	30A-2013	N/A
City schools	$15 p/h	30A-2013	N/A
City for-profit nonresident	$65 p/h	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Outside normal working hours			
City resident	$40 p/h	30A-2013	N/A
City nonprofit	$40 p/h	30A-2013	N/A
City schools	$40 p/h	30A-2013	N/A
City for-profit nonresident	$80 p/h	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Tournaments (Pike) (minimum 6 hours up to 12 per day)			
City resident	$40 p/h	30A-2013	N/A
City nonprofit	$40 p/h	30A-2013	N/A

Description	Fee	Ordinance No.	Code Citation
City schools	$40 p/h	30A-2013	N/A
City for-profit nonresident	$80 p/h	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Large pavilion rental:			
City resident	$150 (includes $50 electric)	30A-2013	N/A
City nonprofit	$150 (includes $50 electric)	30A-2013	N/A
City schools	$150 (includes $50 electric)	30A-2013	N/A
City for-profit nonresident	$200 (includes $50 electric)	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Small pavilion rental:			
City resident	$50	30A-2013	N/A
City nonprofit	$50	30A-2013	N/A
City schools	$50	30A-2013	N/A
City for-profit nonresident	$100	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
3rd and Spruce Pavilion rental:			
City resident	$100	30A-2013	N/A
City nonprofit	$100	30A-2013	N/A
City schools	$100	30A-2013	N/A
City for-profit nonresident	$150 (includes $50 electric)	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Ball field rentals, 2 hours before 8:00 p.m. (minimum 2 hours):			
City resident	$10	30A-2013	N/A
City nonprofit	$10	30A-2013	N/A
City schools	$10 (community service hours in lieu of fees at a rate of $7.25 per hour or 1/2 of the total cost as a donation to the Youth Scholarship Fund)	30A-2013	N/A

Description	Fee	Ordinance No.	Code Citation
City for-profit nonresident	$20	30A-2013	N/A
Ball field rentals, 2 hours after 8:00 p.m. (minimum 2 hours):			
City resident	$25 (includes electric)	30A-2013	N/A
City nonprofit	$25 (includes electric)	30A-2013	N/A
City schools	$25 (includes electric)	30A-2013	N/A
City for-profit nonresident	$35	30A-2013	N/A
Tennis courts			
City resident	$5 p/h	30A-2013	N/A
City nonprofit	$5 p/h	30A-2013	N/A
City schools	$5 p/h	30A-2013	N/A
City for-profit nonresident	$10 p/h	30A-2013	N/A
Basketball courts with lights (except City Park)			
City resident	$10 p/h	30A-2013	N/A
City nonprofit	$10 p/h	30A-2013	N/A
City schools	$10 p/h	30A-2013	N/A
City for-profit nonresident	$20 p/h	30A-2013	N/A
Deposit	Equal to rental fee	30A-2013	N/A
Basketball court with lights (City Park)			
City resident	$25 p/h	30A-2013	N/A
City nonprofit	$25 p/h	30A-2013	N/A
City schools	$25 p/h	30A-2013	N/A
City for-profit nonresident	$35 p/h	30A-2013	N/A
Pagoda:			
Less than 2 hours	$200	40-2009	N/A
2 to 4 hours	$400	40-2009	N/A
4 to 6 hours	$500	40-2009	N/A
Each additional hour	$100	40-2009	N/A
Small stage (per day)	$175 resident	20-2008	N/A
	$200 nonresident		
	$200 deposit	78-2013	N/A

Description	Fee	Ordinance No.	Code Citation
Large stage (per day)	$275 resident	20-2008	N/A
	$300 nonresident		
	$250 deposit	78-2013	N/A
Portable stage (per day)	$100 resident	78-2013	N/A
	$150 nonresident		
	$200 deposit		
Show mobile rental (per day)	$350/day	20-2008	N/A
	$300 deposit	78-2013	N/A
Barricades (per 4)	$10 deposit	78-2013	N/A
	$100		
Banners on light poles	$50 each	78-2013	N/A
Banners across streets	$175	78-2013	N/A
City Park portable potties	$50 each	78-2013	N/A
	$100 handicapped accessible		
Picnic kit	$20 resident	20-2008	N/A
	$25 nonresident		
	$25 deposit		
Small bleachers (per day)	$100 resident	78-2013	N/A
	$150 nonresident		
	$100 deposit		
Large bleachers (per day)	$200 resident	78-2013	N/A
	$250 nonresident		
	$100 deposit		
Schlegel pool admission fee	3 and under free with paid adult; $5 for age 4 and older	78-2013	N/A

Description	Fee	Ordinance No.	Code Citation
Schlegel pool membership fee	$40 age 4 through 9	78-2013	N/A
	$65 age 10 through 61		
	$40 age 62 and older		
	$150 family of 4 (max 2 people over age 18)		
	$25 each additional family member		
Pool pavilion rental	$50 per day + cost of admission (cost of admission not included in rental fee)	78-2013	N/A
Keffer Park Field House (6 hours):		40-2014	N/A
City resident	$150		
City nonprofit	$150		
City schools	$150		
City for-profit/nonresident	$200		
Deposit	Equal to rental fee		
Keffer Park Field House (additional hours over 6):		40-2014	N/A
City resident	$25 per hour		
City nonprofit	$25 per hour		
City schools	$25 per hour		
City for-profit/nonresident	$25 per hour		
Deposit	Equal to rental fee		
Egelman's Baseball Field before 8:00 p.m.		45-2014	N/A
City resident	$25 per hour plus $25 attendant fee		
City nonprofit	$25 per hour plus $25 attendant fee		
School (not RSD)	$25 per hour plus $25 attendant fee		
Reading School District	No fee		
Reading Recreation Commission	No fee		

Description	Fee	Ordinance No.	Code Citation
City for-profit/nonresident	$35 per hour plus $25 attendant fee		
Egelman's Baseball Field after 8:00 p.m.		45-2014	N/A
City resident	$40 per hour plus $25 attendant fee		
City nonprofit	$40 per hour plus $25 attendant fee		
School (not RSD)	$40 per hour plus $25 attendant fee		
Reading School District	No fee		
Reading Recreation Commission	No fee		
City for-profit/nonresident	$55 per hour plus $25 attendant fee		

§ 212-121. Peddling and soliciting.

Description	Fee	Ordinance No.	Code Citation
Transient retail merchants (monthly)	$200	78-2013	§ 410-108

§ 212-122. Poles.

Description	Fee	Ordinance No.	Code Citation
Pole permit fee	$80	31-2009	§ 424-106

§ 212-123. Police Department miscellaneous fees.

Description	Fee	Ordinance No.	Code Citation
Use of pistol range	$25 per person	38-2011	N/A
Certified copy of police report	$15	43-2015	N/A
Extensive case file duplication	Sum of actual costs	23-2015	N/A
Phone call/dispatch recording	Sum of actual costs	43-2015	N/A
Local criminal background report	$20	23-2015	N/A
Bomb squad/K-9 squad	Sum of costs and manpower used	38-2011	N/A
Standby charges	$88 per hour per officer	38-2011	N/A

§ 212-124. Portable home storage units.

Description	Fee	Ordinance No.	Code Citation
Permit for placement on residential property for five days	$25	19-2008	§ 502-103
Permit extension for two days	$10	19-2008	§ 502-104

§ 212-125. Post fire fees.

Description	Fee	Ordinance No.	Code Citation
Post-fire inspection fee	$70	29-2013	N/A
Post-fire reinspection	$70	29-2013	N/A
Fee to arrange for securing building	$25	29-2013	N/A
Fee to issue citation	$25	29-2013	N/A
Structure fire response fee	$250	29-2013	N/A
Unstable structure monitoring fee	$125 per hour	29-2013	N/A

* Updated - Ordinance No. 11-2016

§ 212-126. Property sales: certificate of transfer; health and safety inspections.

Description	Fee	Ordinance No.	Code Citation
Health and safety inspection fee	$150	63-2012	§ 431-205
Health and safety reinspection fee	$75	63-2012	§ 431-205
Administrative fee for failure to submit certificate of transfer application	$150	63-2012	§ 431-215
Administrative fee for failure to appear for an inspection:			
First offense	$150	63-2012	§ 431-204
Second offense	$250	63-2012	§ 431-204
Third and subsequent offenses	$400	63-2012	§ 431-204

§ 212-127. Public records. [Amended 5-23-2011 by Ord. No. 25-2011]

Description	Fee	Ordinance No.	Code Citation
Photocopy	$0.25 per page	25-2011	§ 442-108
Certification of a public record	$5 per record	25-2011	§ 442-108
Copying records onto electronic media	Actual cost	25-2011	§ 442-108
Specialized documents	Actual cost	25-2011	§ 442-108
Postage	Actual cost	25-2011	§ 442-108
Facsimile, microfiche or other media	Actual cost	25-2011	§ 442-108

Description	Fee	Ordinance No.	Code Citation
Printed original or photocopied plan or map not more than 24" x 36"	$3 each	15-2008	N/A
Printed original or photocopied plan or map 24" x 36" or larger	$5 each	15-2008	N/A
Copying SALDO records off-site	$20		N/A
If these costs are expected to be greater than $100, payment of 50% of expected cost is due in advance		25-2011	§ 442-108

§ 212-128. Rental housing inspection. [Added 12-10-2012 by Ord. No. 123-2012]

A. Fees.

Description	Fee	Ordinance No.	Code Citation
Boarding house			
Initial inspection	$155	123-2012; 80-2015	N/A
Reinspection	$155	123-2012; 80-2015	N/A
First noncompliance penalty	$350	123-2012	N/A
Extension inspection	$200	123-2012	N/A
Second noncompliance penalty	$1,000	123-2012	N/A
Third noncompliance penalty	$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus $1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A
Single-family one-unit property			
Initial inspection	$140	123-2012; 80-2015	N/A
Reinspection	$140	123-2012; 80-2015	N/A
First noncompliance penalty	$350	123-2012	N/A
Extension inspection	$200	123-2012	N/A
Second noncompliance penalty	$1,000	123-2012	N/A
Third noncompliance penalty	$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus $1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A

Description	Fee	Ordinance No.	Code Citation
Two-unit property			
Initial inspection	$165	123-2012; 80-2015	N/A
Reinspection	$165	123-2012; 80-2015	N/A
First noncompliance penalty	$350	123-2012	N/A
Extension inspection	$200	123-2012	N/A
Second noncompliance penalty	$1,000	123-2012	N/A
Third noncompliance penalty	$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus $1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A
Three- and four-unit properties			
Initial inspection	$195	123-2012; 80-2015	N/A
Reinspection	$195	123-2012; 80-2015	N/A
First noncompliance penalty	$350	123-2012	N/A
Extension inspection	$250	123-2012	N/A
Second noncompliance penalty	$1,000	123-2012	N/A
Third noncompliance penalty	$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus $1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A
Five- and six-unit properties			
Initial inspection	$235	123-2012; 80-2015	N/A
Reinspection	$235	123-2012; 80-2015	N/A
First noncompliance penalty	$350	123-2012	N/A
Extension inspection	$300	123-2012	N/A
Second noncompliance penalty	$1,000	123-2012	N/A
Third noncompliance penalty	$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus $1,000	123-2012	N/A

Description	Fee	Ordinance No.	Code Citation
Delinquency fee	15% of billing	123-2012	N/A
Seven- to fifteen-unit properties			
Initial inspection	$315	123-2012; 80-2015	N/A
Reinspection	$315	123-2012; 80-2015	N/A
First noncompliance penalty	$350	123-2012	N/A
Extension inspection	$400	123-2012	N/A
Second noncompliance penalty	$1,000	123-2012	N/A
Third noncompliance penalty	$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus $1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A
Properties with 16 or more units			
Initial inspection	$315 + $10 per unit	123-2012; 80-2015	N/A
Reinspection	$315 + $10 per unit	123-2012; 80-2015	N/A
First noncompliance penalty	$350	123-2012	N/A
Extension inspection	125% of initial inspection fee	123-2012; 80-2015	N/A
Second noncompliance penalty	$1,000	123-2012	N/A
Third noncompliance penalty	$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus $1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A

B. Failure to appear or gain access.

Description	Fee	Ordinance No.	Code Citation
Administrative fee for failure to appear or gain entry for scheduled inspection:			
1 to 15 units (base penalty)		123-2012	N/A
First occurrence	$150	123-2012; 80-2015	N/A

Description	Fee	Ordinance No.	Code Citation
Second occurrence	$250	123-2012; 80-2015	N/A
Third and subsequent occurrence - combination of failure to appear, gain entry and/or cancellation	$400	123-2012; 80-2015	N/A
16 to 49 units	$200 + base penalty for occurrence	123-2012; 80-2015	N/A
50+ units	$300 + base penalty for occurrence	123-2012; 80-2015	N/A

§ 212-129. Roadside and utility pole signs.

Description	Fee	Ordinance No.	Code Citation
Permit for a temporary sign	$50	8-2010	§ 485-206

§ 212-130. Sales: mobile vendors.

Description	Fee	Ordinance No.	Code Citation
Application for mobile vendor's license	$50	42-2010	§ 453-306
Filing an appeal to the Vending License Board of Appeals	$275	42-2010	§ 453-310

§ 212-131. Sales: sidewalk sales.

Description	Fee	Ordinance No.	Code Citation
Annual sidewalk sale permit	$0	46-2015	§ 453-107

§ 212-132. Sales: sidewalk vendors.

Description	Fee	Ordinance No.	Code Citation
Application for sidewalk vendor's license	$50	63-2007	§ 453-206
Filing an appeal to the Vending License Board of Appeals	$275	63-2007	§ 453-210

§ 212-133. Sewers and sewage disposal.

Description	Fee	Ordinance No.	Code Citation
Monthly meter service charge		78-2013	§ 467-103

Water Meter Size	Monthly Volumetric Allowance (Gallons)	2014 Monthly Meter Service Charge	2015 Monthly Meter Service Charge	Monthly Meter Service Charge After 2015
No meter	N/A	150% of RAWA rates	150% of RAWA rates	150% of RAWA rates
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

Description	Fee	Ordinance No.	Code Citation
Volumetric service charge		78-2013	§ 467-103

Volumetric Rates Based on Customer Meter Size	2014 Monthly Volumetric Service Charge (Per 1,000 Gallons in Excess of Volumetric Allowance)	2015 Monthly Volumetric Service Charge (Per 1,000 Gallons in Excess of Volumetric Allowance)	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			

Volumetric Rates Based on Customer Meter Size	2014 Monthly Volumetric Service Charge (Per 1,000 Gallons in Excess of Volumetric Allowance)	2015 Monthly Volumetric Service Charge (Per 1,000 Gallons in Excess of Volumetric Allowance)	Monthly Volumetric Service Charge After 2015
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

Description	Fee	Ordinance No.	Code Citation
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 each additional sampling over one $250	17-1998	§ 467-215C
Unscheduled sampling and analysis	$300 per sample plus out-of-pocket expenses for testing and related costs, if there is a permit exceedance	17-1998	§ 467-215C

§ 212-134. Sexually oriented businesses.

Description	Fee	Ordinance No.	Code Citation
Operator's license fee (new or renewal)	$500	41-2004	§ 473-106
Employee license fee (new or renewal)	$50	41-2004	§ 473-106

§ 212-135. Sidewalk cafes.

Description	Fee	Ordinance No.	Code Citation
Sidewalk cafe permit (annual)	$0	46-2015	§ 479-108
Sidewalk mini-cafe permit (annual)	$0	46-2015	§ 479-108

* Updated - Ordinance No. 6-2016

§ 212-136. Curbside waste collection. [Amended 12-16-2013 by Ord. No. 78-2013; 11-23-2015 by Ord. No. 72-2015]

Description	Fee	Ordinance No.	Code Citation
Curbside waste collection with municipal trash service	$315	72-2015	§ 496-208
Curbside waste collection without municipal trash service	$95.04	72-2015	§ 496-208

Penalty: Any unpaid curbside waste collection fee not paid by the date due shall incur a 10% penalty, and may be subject to additional collection costs and fees.

§ 212-137. (Reserved)[7]

§ 212-138. Solid waste: dumpsters.

Description	Fee	Ordinance No.	Code Citation
Temporary dumpster permit	$5 per day	23-2007	§ 496-104
	Not to exceed $75 for 10 days		
	Minimum of $25		
Permanent dumpster permit	$150 per year	23-2007	§ 496-104
Permanent cart permit	$150 per year	23-2007	§ 496-104
Trash receptacle	$150 per year		§ 496-104

7. **Editor's Note: Former § 212-137, Solid waste and recycling fees 2001 through 2011, adopted 8-8-2011 by Ord. No. 40-2011, was repealed 3-10-2014 by Ord. No. 21-2014.**

§ 212-139. Stormwater management.

Description	Fee	Ordinance No.	Code Citation
Filing fee	$100	49-2008	§ 505-161
Review of documentation in support of exemption	$250	49-2008	§ 505-161
Review of stormwater management report and drainage plan	$1,000	49-2008	§ 505-161
Construction observations	Fee will be made part of the improvements agreements established for the construction project	49-2008	§ 505-161

§ 212-140. Streets and sidewalks.

Description	Fee	Ordinance No.	Code Citation
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		
100 to no limit	$250 plus $2.50 for every foot over 100 feet		
Second, third or fourth sides	Repeat rates		
Residential driveway permit fee	$400	31-2009	§ 508-305B(1)
Commercial driveway permit fee	$450	31-2009	§ 508-305B(1)
Driveways spanning property line for joint use of abutting properties	$250 for each user		
Reconstruction of driveway	$50	31-2009	§ 508-305B(2)
Sidewalk cut permit	$100 per cut	78-2013	

Description	Fee	Ordinance No.	Code Citation
Vault, areaway, basement stairs or structure (each)	$200		§ 508-306A(1)
Sidewalk vault fee	$80	31-2009	§ 508-306A(1)
Sidewalk repair construction permit	$80	31-2009	§ 508-307A(1)
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 cut permit		78-2013	
Street cut permit	$10/permit		
Street cut inspection fee	$100/street cut		
Pavement restoration fee		44-2015	§ 508-702B
0 to 5 square yards	$150/square yard		
Over 5 square yards, per additional square yard	$120/square yard		
Premature degradation fee		44-2015	§ 508-702C
For cuts on streets paved within 5 years of the application date	Add 100% of the pavement restoration fee		
For cuts on streets paved 6 to 10 years of the application date	Add 80% of the pavement restoration fee		
Bore hole fee	$5 per bore hole	35-2008; 44-2015	§ 508-709A
Ahead of paving permit	$10 per block and/or street intersection	35-2008; 44-2015	§ 508-709C
Time extension fee	$10 per month or fraction thereof	35-2008; 44-2015	§ 508-709D
Steel plate placement fees (winter, November through March)		44-2015	§ 508-707
First 5 days	$0 each		
Days 6 to 10	$300 each		
Subsequent	$90 per day (each)		
Steel placement fees (summer, April through October)		44-2015	§ 508-707
First 5 days	$0 each		
Days 6 to 10	$150 each		
Subsequent	$45 per day (each)		

§ 212-141. Subdivision and land development.

Description	Fee	Ordinance No.	Code Citation
Residential land development fee			N/A
1 to 5 units	$780 sketch or revision to plan $1,235 preliminary $1,345 final	36-2009	
6 to 40 units	$810 sketch or revision to plan $1,465 preliminary $1,670 final	36-2009	
Over 40 units	$970 sketch or revision to plan $1,520 preliminary $1,720 final + $10/unit over 40	36-2009	
Commercial/industrial land development fee			N/A
Less than 2 acres	$790 sketch or revision to plan $1,400 preliminary $1,500 final	36-2009	
2 to 10 acres	$830 sketch or revision to plan $1,640 preliminary $1,840 final	36-2009	
Over 10 acres	$1,010 sketch or revision to plan $1,675 preliminary $1,880 final + $50/acre over 10 acres	36-2009	
Subdivision/annexation fees			N/A

Description	Fee	Ordinance No.	Code Citation
1 to 5 lots	$675 sketch or revision to plan	36-2009	
	$920 preliminary		
	$900 final		
6 to 25 lots	$745 sketch or revision to plan	36-2009	
	$1,110 preliminary		
	$1,080 final		
Over 25 lots	$820 sketch or revision to plan	36-2009	
	$1,120 preliminary		
	$1,110 final		
	+ $10/lot over 25		
Other fees			N/A
Land development waivers	$50	36-2009	
Parking lot reviews	$820 (50 or less spaces)	36-2009	
	$85/10 spaces over 50 spaces		
Revisions to plans	$25/page	36-2009	
On-lot sewage suitability			N/A
Reading and recording 2 deep probes	$250	57-2002	
Additional soil probes	$50	57-2002	
Observation to 6 hole percolation	$250	57-2002	
Permit processing	$100	57-2002	
Reapplication fee	$50	57-2002	
On-lot sewage planning module	$50/lot	57-2002	
Sanitary sewer planning module	$500	57-2002	

§ 212-141.1. Tattoo establishments. [Added 9-23-2013 by Ord. No. 42-2013]

Description	Fee	Ordinance No.	Code Citation
Tattoo establishment and inspection fee	$100 Note: The $50 application fee also applies	42-2013	§ 540-106

§ 212-142. Taxation.

Description	Fee	Ordinance No.	Code Citation
Amusement permit			
Temporary or annual permit fee	$25	37-1998	§ 549-703C
Renewal fee	$25	37-1998	§ 549-703F
Renewal fee for not-for-profit	$1	37-1998	§ 549-703F
Duplicate permit fee	$10	37-1998	§ 549-703F

§ 212-143. Trees.

Description	Fee	Ordinance No.	Code Citation
Shade tree permit	$0	42-1973	§ 555-104C(7)

§ 212-144. Vehicles and traffic.

Description	Fee	Ordinance No.	Code Citation
Reclamation cost for impounded vehicle	$25	14-2001	§ 576-806
Booting fee	$200	Res. No. 18-A-2006	§ 576-816
Residential parking permit			§ 576-417J
First year (initial)	$30 per vehicle		
Annual renewal	$25 per vehicle		
Daily parking permit	$3/day nonmetered $5/day metered	14-2001	§ 576-419C
Commercial contractor parking permit	$30 monthly		§ 576-706A
Pushcart permit (annual)	$30	14-2001	§ 576-1002
Special event permit			
With proof of nonprofit status	$100	30-2011; 38-2011	§ 576-1205A(1)

Description	Fee	Ordinance No.	Code Citation
All others	$300	30-2011; 38-2011	§ 576-1205A(2)
Fee for block parties requiring City barricades	$50	30-2011	§ 576-1205B
Administrative fee for retrieval of towed vehicle	$10	14-2001	§ 576-826E
Parking meter fee	$2 per hour maximum	42-2015	§ 576-508

§ 212-145. Vehicle storage.

Description	Fee	Ordinance No.	Code Citation
Temporary recreational vehicle parking permit	$50	14-2007	§ 564-105
Administrative fee to remedy noncompliance (in addition to abatement costs)	$50	79-1999	§ 564-107

§ 212-146. Zoning.

Description	Fee	Ordinance No.	Code Citation
Permit processing fees:		75-2009	§ 600-202
Transfer existing business	$100	75-2009	
Change type of business	$100	75-2009	
New business — existing building	$100	75-2009	
New business — site plan review	$100	75-2009	
New construction — site plan review	$100	75-2009	
Commercial accessory	$100	75-2009	
Fence — residential	$25	75-2009	
Yard sale	$25	75-2009	
Residential accessory use deck, patio, parking pad, shed, garage, gazebo, pool, wall	$50	75-2009	
Signs	$100	75-2009	
Rentals	$100	75-2009	
ZHB or Council application	$100	75-2009	
Appeals to Zoning Board			
Residential dimensional variance	$1,000	75-2009	
Commercial dimensional variance	$1,000	75-2009	

Description	Fee	Ordinance No.	Code Citation
Special exception review	$1,000	75-2009	
Use variance	$1,000	75-2009	
Interpretation of Zoning Ordinance or Map	$800		
Requests for variance extensions	$50		
Conditional use permit	$1,000	75-2009	
Site plan review fees			
Residential	$50		
Commercial	$100		
Telecommunications tower	$300		
Orthography and contour data		12-11-2006	
Black-and-white electronic format CD	$100 per tile		
Contour data electronic format CD	$100 per tile		
Printed format, black and white	$25 per tile		
Failure to appear or gain access	$150	78-2013	
Zoning Map amendment	$1,000	78-2013	
Zoning curative amendment	$1,000	78-2013	

Chapter 219

FIREARMS

§ 219-101. Definitions.
§ 219-102. (Reserved)
§ 219-103. Discharge of firearms.
§ 219-104. Use of air rifles, bow and arrows or similar devices restricted.
§ 219-105. Permits for limited discharge of firearms.
§ 219-106. Violations and penalties.

[HISTORY:[1] Adopted by the City Council of the City of Reading 7-27-2015 by Ord. No. 37-2015. Amendments noted where applicable.]

GENERAL REFERENCES

Fireworks — See Ch. 225.

STATE LAW REFERENCES

Uniform Firearms Act — See 18 Pa.C.S.A. § 6101 et seq.

Authority of City — See 53 P.S. §§ 3703 and 37403.

§ 219-101. Definitions.

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

DISCHARGE — The expulsion of a projectile from a firearm or the operation of a firearm in such a manner so as to lead one to reasonably conclude, by sight or sound, that a projectile was expelled from a firearm. If the firearm used is capable of the expulsion of a projectile, its firing alone shall be sufficient to constitute a discharge and no further proof of the expulsion of a projectile shall be necessary.

FIREARM — Any device which is designed and intended to expel a projectile by action of gun powder, any other explosive, compressed air, compressed gas or mechanical device, including any device which, when discharged, would by sound or otherwise: lead another to reasonably conclude by sight or sound that the device expelled a projectile; or give the appearance of the expulsion of a projectile even though no expulsion of a projectile occurred. By way of example and not limitation, items that are to be considered firearms under this Part include guns, pistols, rifles and shotguns. The definition of "firearm" shall not be deemed to include items that are traditionally considered to be children's toys when used in the manner for which they were designed. The definition of "firearm" shall not include starter pistols when used in the manner in which they were intended; i.e., to signify the start of a race or other similar event.

1. **Editor's Note: Former Ch. 219, Firearms, adopted 12-10-2007 by Ord. No. 83-2007 (Ch. 6, Part 4A, of the 2001 Code of Ordinances), was repealed 1-26-2015 by Ord. No. 2-2015. This chapter was later reenacted, in part, 7-27-2015 by Ord. No. 37-2015.**

§ 219-102. (Reserved)

§ 219-103. Discharge of firearms.

A. Except in necessary defense of person or property, or as provided in the exceptions set forth in Subsection B of this section, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the City.

B. The following acts shall not constitute a violation as set forth in this section:

(1) The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty including, but not limited to, active operations, training exercises and ceremonies.

(2) The discharge of a firearm for purposes of hunting or other activities regulated by and conducted in accordance with the Game and Wildlife Code of Pennsylvania, 34 Pa.C.S.A. § 101 et seq.

(3) The discharge of a firearm within a properly constructed and legally permitted firing range duly established within the City of Reading.

(4) The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Chief of Police of the City of Reading.

§ 219-104. Use of air rifles, bow and arrows or similar devices restricted.

A. Except as provided in Subsection B of this section, it shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, BB gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the City, except as provided in this section, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

B. The following acts shall not constitute a violation as set forth in this section:

(1) The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty including, but not limited to, active operations, training exercises and ceremonies.

(2) The discharge of a firearm for purposes of hunting or other activities regulated by and conducted in accordance with the Game and Wildlife Code of Pennsylvania, 34 Pa.C.S.A. § 101 et seq.

(3) The discharge of a firearm within a properly constructed and legally permitted firing range duly established within the City of Reading.

(4) The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Chief of Police of the City of Reading.

§ 219-105. Permits for limited discharge of firearms.

The Chief of Police of the City of Reading may issue a permit to allow the limited discharge of firearms for events or activities within the City of Reading, upon application of the party responsible for the organization or promotion of such event or activity. The Chief of Police shall only issue a permit once he/she has determined in his/her judgment that adequate safety measures have been or will be taken such that the discharge of firearms during the event or activity will not pose a significant risk to the health and safety of the residents of the City, or the participants and spectators during the event or activity. The issuance of a permit under this section shall not be unreasonably withheld or delayed. By way of example and not limitation, the events or activities for which permits may be issued include target shooting competitions or demonstrations, fireworks demonstrations and block shoots.

§ 219-106. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be fined $1,000 for each offense and the cost of prosecution and shall be ordered to pay restitution, in an amount determined by the court, for damages to person or properties suffered by a victim as a result of the violation of this chapter and shall serve a term of imprisonment of not to exceed 90 days for each offense. Each discharge as defined herein shall constitute a separate and distinct offense, and sentences therefor shall be imposed for each offense. The fines collected by the Magisterial District Judge for a violation of provisions of this chapter shall be paid over to the City of Reading.

Chapter 225

FIREWORKS

§ 225-101. Supervised public displays.
§ 225-102. Operational permit.
§ 225-103. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 12-20-1954 by Ord. No. 67-1954 (Ch. 7, Part 1, of the 2001 Code of Ordinances); amended in its entirety 5-29-2012 by Ord. No. 60-2012. Amendments noted where applicable.]

GENERAL REFERENCES

Firearms — See Ch. 219.

Fire prevention and protection — See Ch. 237.

STATE LAW REFERENCES

Fireworks Law — See 35 P.S. § 1271 et seq.

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§ 225-101. Supervised public displays.

In accordance with Title 35, Health and Safety, Chapter 13A, Fireworks and Explosives,[1] the Fire Marshal, within his discretion, may authorize and grant special permission for supervised public display of fireworks by a competent operator, in accordance with this code. The operator shall be required to obtain a certificate of fitness and provide proof of insurance or post a bond with the City Clerk in a sum of not less than $1,000,000 conditioned for the payment of all damages which may be caused either to a person or persons, or to property by reason of the licensed display and arising from any acts of such operator, his agents, employees or subcontractors.

§ 225-102. Operational permit.[2]

The operator shall obtain an operational permit and pay the fee set forth in Chapter 212, Fees.

§ 225-103. Violations and penalties.

A. Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine by the Magisterial District Judge not to exceed $500 and be subject to a term of imprisonment not in excess of 90 days if they fail to pay such fine. Each day that a violation of this chapter continues shall constitute a separate offense.

B. In addition to the above penalties all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty

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1. **Editor's Note: See 35 P.S. § 1271 et seq.**
2. **Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).**

for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time.

Chapter 231

FIRE INSURANCE PROCEEDS

PART 1
Fire Insurance Proceeds Escrow Procedures

§ 231-101. Municipal Officer; definitions.
§ 231-102. Payment of claims.
§ 231-103. Adoption of procedures and regulations.
§ 231-104. Violations and penalties.

PART 2
Control of Fire Insurance Proceeds

§ 231-201. Municipal Officer; definitions.
§ 231-202. Payment of claims; procedure.
§ 231-203. Proceeds transferred to Municipal Officer.
§ 231-204. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire and rescue services — See Ch. 36.

STATE LAW REFERENCES

Municipal certificate required prior to payment of fire loss claims — See 40 P.S. § 638.

PART 1

Fire Insurance Proceeds Escrow Procedures

[Adopted 2-1-1995 by Ord. No. 6-1995 (Ch. 1, Part 7A, of the 2001 Code of Ordinances)]

§ 231-101. Municipal Officer; definitions. [Amended 2-26-1996 by Ord. No. 8-1996]

A. The Administrative Services Director or his designee (hereafter, the "Municipal Officer") is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City stated herein. **[Amended 7-8-2013 by Ord. No. 32-2013]**

B. A fire loss or claim for fire damage is defined as any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including any endorsements or riders to the policy.

§ 231-102. Payment of claims. [Amended 5-29-2001 by Ord. No. 14-2001]

A. No insurance company, association or exchange (hereinafter the "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City of Reading (hereinafter the "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds $7,500, unless the insurer is furnished by the Municipal Officer with a municipal certificate pursuant to § 508(b)[1] and unless there is compliance with §§ 508(c) and (d) and the provisions of Part 2 of this chapter, dealing with payment of delinquent taxes. **[Amended 7-8-2013 by Ord. No. 32-2013]**

B. After full compliance with the requirements of § 508(b)(1)(i)[2] and Part 2 of this chapter, the insurer shall pay the claim of the named insured; provided, however, that if the loss is agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building structure, the following procedures shall be followed:

(1) The insurer shall transfer from the insurance proceeds to the Municipal Officer the aggregate of $2,000 for each $15,000 of a claim and for each fraction of that amount of a claim, provided:

(a) That this section is to be applied such that if the claim is $15,000 or less, the amount transferred to the City shall be $2,000; and

(b) That, if at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the City from the insurance proceeds the amount based upon the estimate.

(2) The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.

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1. **Editor's Note: See 40 P.S. § 638(b).**
2. **Editor's Note: See 40 P.S. § 638(b)(1)(i).**

C. After the transfer, the named insured may submit a licensed contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the City in excess of the estimate to the named insured, if the City has not commenced to remove, repair or secure the building or other structure. **[Amended 7-8-2013 by Ord. No. 32-2013]**

D. Upon receipt of proceeds under this section, the City shall do the following: **[Amended 7-8-2013 by Ord. No. 32-2013]**

(1) The Municipal Officer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the City, including, but not limited to, any engineering, legal or administrative costs incurred by the City in connection with such removal, repair or securing of the building or any proceedings related thereto.

(2) It is the obligation of the insurer when transferring the proceeds to provide the City with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the Municipal Officer shall contact the named insured, certify that the proceeds have been received by the City and notify the named insured that the procedures under this subsection shall be followed. If the insured transfers title to the property or assigns the escrow to a new owner, the original insured shall notify the City about the title transfer or assignment within 30 days of the transfer or assignment.

(3) The named insured shall have two years from the date the City provides the notice required under Subsection D(2) to complete the rehabilitation of the property, with a one-year extension available after receiving written approval from the City's Fire Marshal and Chief Building Inspector. If the insured chooses demolition rather than rehabilitation, he shall have six months to complete the demolition, which includes clearing all debris.

(4) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the City and the required proof of such completion received by the Municipal Officer, and if the City has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the City has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and, if excess funds remain, the City shall transfer the remaining funds to the named insured.

(5) To the extent that interest is earned on proceeds held by the City pursuant to this section, and retained by it, such interest shall belong to the City. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

(6) Prior to the release of any funds under Subsection D(4), the property must be inspected by a City of Reading Building Code inspector and an inspector from the office of the Fire Marshal who shall certify that all the required work has been done to repair, remove and/or secure the property. No property shall be considered repaired, removed or secured unless both the exterior and interior of the property meet the minimum standards for safety under all City, state and federal laws and regulations, including, but not limited to, the Pennsylvania Uniform Construction Code as adopted

and amended by the City of Reading, the City of Reading Property Maintenance Code, and the Fire Prevention Code of the City of Reading.

(7) Nothing in this section shall be construed to limit the ability of the City to recover any deficiency. Furthermore, nothing in this Part shall be construed to prohibit the City and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

(8) The City of Reading may adopt procedures and regulations to implement the provisions of this Part and may by ordinance fix reasonable fees to be charged for municipal activities and services provided pursuant to this Part; including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.

E. The Fire Insurance Escrow Act (herein "the Act") refers to the Insurance Company Law of 1921 as amended by Act 98 of 1992 and Act 93 of 1994 (NOTE: 40 P.S. § 638), and adopted by the City of Reading pursuant to Ord. 7-1995. **[Added 7-8-2013 by Ord. No. 32-2013]**

§ 231-103. Adoption of procedures and regulations. [Amended 5-29-2001 by Ord. No. 14-2001; 8-26-2013 by Ord. No. 35-2013]

The City of Reading may by ordinance adopt procedures and regulations to implement § 508[3] and this Part and may by ordinance fix reasonable fees to be charged for municipal activities or services provided pursuant to § 508 and this Part; including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.

§ 231-104. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Any owner of property, any named insured or any insurer who violates this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

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3. Editor's Note: See 40 P.S. § 638

PART 2

Control of Fire Insurance Proceeds

[Adopted 2-1-1995 by Ord. No. 7-1995 (Ch. 1, Part 7B, of the 2001 Code of Ordinances)]

§ 231-201. Municipal Officer; definitions. [Amended 2-26-1996 by Ord. No. 9-1996]

A. The Administrative Services Director or his designee (hereinafter "Municipal Officer") is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City stated herein.

B. A fire loss or claim for fire damage is defined as any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including any endorsements or riders to the policy.

§ 231-202. Payment of claims; procedure.

A. No insurance company, association or exchange (hereinafter the "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City of Reading (hereinafter the "municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds $7,500, unless the Insurer and the named insured comply with the provisions of § 508(b)[4] and the provisions of Part 1 of this chapter enacted contemporaneously herewith dealing with payment of delinquent taxes.

B. The Municipal Officer shall, upon the written request of the named insured specifying the tax description of the property, name and address of the insurer and the date agreed upon by the insurer and the named insured as the date of the receipt of a loss report of the claim, furnish the insurer either of the following within 14 working days of the request:

(1) A certificate, or at the discretion of the City, a verbal notification which shall be confirmed in writing by the insurer to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Municipal Officer's certificate or verbal notification, the City has not certified any amount as total costs incurred by the City for the removal, repair or securing of a building or other structure on the property.

(2) A certificate and bill showing the amount of delinquent taxes, assessments, penalties and use charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the Municipal Officer's certificate, the amount of the total costs, if any, certified to the Municipal Officer that have been incurred by the City for the removal, repair or securing of a building or other structure on the property. For the purposes of this subsection, the City shall provide to the Municipal Officer the total amount, if any, of such costs, if available, or the amount of costs known to the City at the time of the Municipal Officer's certificate.

(3) A tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the City under applicable law.

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4. Editor's Note: See 40 P.S. § 638(b).

C. Upon the receipt of a certificate pursuant to Subsection B(1) of this section, the insurer shall pay the claim of the named insured in accordance with the policy terms. Provided, however that the Insurer shall also comply with the provisions of Part 1 of this chapter dealing with escrow funds for certain fire losses.

D. Upon the receipt of a certificate and bill pursuant to Subsection B(2) of this section, the insurer shall return the bill to the Municipal Officer and transfer to the Municipal Officer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, proceeds, whichever is the lesser amount. The City shall receive the amount and apply or credit it to payment of the items shown in the bill.

E. Nothing in this section shall be construed to limit the ability of the City to recover any deficiency.

F. The City of Reading may adopt procedures and regulations to implement the provisions of this Part and may by ordinance fix reasonable fees to be charged for municipal activities and services provided pursuant to this Part; including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts. **[Amended 8-26-2013 by Ord. No. 35-2013]**

§ 231-203. Proceeds transferred to Municipal Officer.

A. The transfer of proceeds to the Municipal Officer shall be on a pro rata basis by all insurers with applicable policies of insurance providing protection for fire loss.

B. The City of Reading may by ordinance adopt additional procedures and regulations to implement § 508[5] and this Part and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to § 508 and this Part; including, but not limited to, issuance of certificates and bills. **[Added 8-26-2013 by Ord. No. 35-2013]**

§ 231-204. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Any owner of property, any named insured or any insurer who violates this Part shall be, upon conviction thereof, sentenced to a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

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5. Editor's Note: See 40 P.S. § 638.

Chapter 237

FIRE PREVENTION AND PROTECTION

PART 1

Smoke, Cinders, Noxious Acids, Fumes and Gases

§ 237-101. Definitions.

§ 237-102. Emission of dense smoke prohibited; nuisance declared.

§ 237-103. Exceptions.

§ 237-104. Escape of soot, cinders, noxious acids, fumes and gases prohibited; nuisance declared.

§ 237-105. Health Officer duties.

§ 237-106. Appeals.

§ 237-107. Interference with performance of duty of Health Officer.

§ 237-108. Ringelmann Chart as standard.

§ 237-109. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fireworks — See Ch. 225.

PART 1

Smoke, Cinders, Noxious Acids, Fumes and Gases

[Adopted 7-26-1961 by Ord. No. 7-1961 (Ch. 7, Part 3, of the 2001 Code of Ordinances)]

§ 237-101. Definitions.

As used in this Part, certain terms are defined as follows:

CINDERS, DUST, FLY ASH, NOXIOUS ACIDS, FUMES AND GASES — All matter other than dense smoke, including coke, cinders, dust and soot formed as a result of the combustion of fuel, which are carried in the gas stream so as to reach the external air and which have not been completely consumed by the combustion process.

DENSE SMOKE — That smoke which has a density of No. 2 or greater as established by the Ringelmann Chart, hereinafter referred to and adopted.

HEALTH OFFICER — The City Health Officer of the City of Reading or any officer or employee of the Property Improvement Division of the City of Reading.

PERSON, FIRM or CORPORATION — Any individual, partnerships, firms, associations, companies, corporations, syndicates or other groups or groups of organized or unorganized individuals who may employ, own, use or operate any fuel-consuming device.

PROPERTY IMPROVEMENT DIVISION — Property Improvement Division of the City of Reading. **[Amended 5-29-2001 by Ord. No. 14-2001]**

RINGELMANN CHART — That standard published by the United States Bureau of Mines to determine the density of smoke.

SMOKE — The gaseous products of burning organic materials rendered visible by the presence of small particles of carbon or other substances therein.

§ 237-102. Emission of dense smoke prohibited; nuisance declared.

No person, firm or corporation shall permit the emission of any smoke from any source whatever of a density equal to or greater than that density described as No. 2 on the Ringelmann Chart, published by the United States Bureau of Mines, the standards of which are hereby fully adopted by the enactment of this Part. The emission of such dense smoke is hereby further declared to be a public nuisance and may be summarily abated by the Health Officer, or by anyone whom he may designate for such purpose; provided, however, that this section shall not be applicable to the circumstances set forth in § 237-103.

§ 237-103. Exceptions.

The provisions of § 237-102 shall not be applicable:

A. To private residences in which no more than two families are or can be housed. To all larger dwellings, of whatever type, however, this Part shall be fully effective and applicable.

B. When a fire box, furnace, boiler, locomotive or other fuel-consuming device is being cleaned out and a new fire is being built therein, in which event a smoke of a density greater than that described as No. 2 of the Ringelmann Chart shall be permitted for a period of not to exceed six minutes in any single period of 60 minutes.

§ 237-104. Escape of soot, cinders, noxious acids, fumes and gases prohibited; nuisance declared.

No person, firm or corporation shall permit or cause the escape of such quantities of soot, cinders, noxious acids, fumes and gasses in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. Council, sitting as a Board of Health, may, after complaint and hearing, declare a public nuisance to exist and may order the same to be abated summarily in such manner as is provided by law for the abatement of public nuisance.

§ 237-105. Health Officer duties.

The duties of the Health Officer shall be:

A. To investigate all complaints of violation of this Part and to institute necessary proceedings in case of violation.

B. To investigate and make recommendations from time to time to Council with respect to needed revisions in this Part or any ordinance pertaining to smoke control and air pollution.

C. May make regular inspections of all fuel-consuming devices within the City to determine whether compliance is being had with the provisions of this Part.

D. May promulgate and publish rules and regulations under which this Part shall be administered, providing in detail and with clarity the necessary information by which the public is to be guided. Copies of the Ringelmann chart shall be made available to the public without charge. The rules and regulations herein prescribed to be adopted shall be prepared only after a thorough consideration of the air pollution problem as it exists in the City.

E. To notify all parties concerned of any decision he may render.

F. To do any and all other acts which may be necessary for the successful prosecution of the purposes of this Part and such other acts as may be specifically enumerated therein as his duties.

§ 237-106. Appeals. [Amended 5-29-2001 by Ord. No. 14-2001]

Any person aggrieved by any ruling rendered by the Health Officer shall, within 10 days thereof, have the right to appeal to the City Board of Health who shall serve as a body to which appeals may be made from the decisions of the Health Officer. They shall decide all appeals properly before them, and shall either affirm, modify or overrule the decision of the Health Officer which they may be called upon to review. On all appeals taken to the Board, appropriate hearings shall be held after due notice thereof to the parties concerned. All pertinent papers in the files of the Property Improvement Division shall be made available to the Board in each case. Such hearing shall afford the person aggrieved with a full opportunity to present any evidence which he may desire to support his position.

§ 237-107. Interference with performance of duty of Health Officer.

Any person, firm or corporation interfering in any manner or impeding the performance of duty of the Health Officer shall be subject to the penalties hereinafter provided for the violation of

the provisions of this Part. This section shall likewise apply to the performance of duty of those employees and representatives of the Health Officer.

§ 237-108. Ringelmann Chart as standard.

The standard by which the density of smoke is to be measured is to the Ringelmann Chart, published by the United States Bureau of Mines. Use of the chart shall be made by placing it at such distance from the observer so that the squares appear as even shades of coloring or where no white space between the lines are visible; such observation may be made by the chart itself or by the use of an optical device approved by the Board of Health utilizing Ringelmann chart standards, and by this Part the optical device, being known as "Smokescope," manufactured by the Mine Safety Appliance Company of Pittsburgh, Pennsylvania, is hereby declared to be approved as an optical device for such testing. Comparison of the smoke under observation with the various shades of the chart shall then indicate the density of the smoke. Observation distances shall be not less than 100 feet nor more than 1/4 mile from the smoke observed.

§ 237-109. Violations and penalties. [Amended 7-21-1993 by Ord. No. 78-1993; 5-29-2001 by Ord. No. 14-2001]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

Chapter 251

FOOD CODE

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[HISTORY: Adopted by the City Council of the City of Reading 5-14-2007 by Ord. No. 30-2007[1] (Ch. 10, Part 12, of the 2001 Code of Ordinances). Amendments noted where applicable.]

1. **Editor's Note: Ord. No. 28-2010, adopted 6-28-2010, repealed this chapter to the extent inconsistent with or in direct contrast to the Property Maintenance Rules and Regulations, enacted and authorized by Ord. No. 28-2010 (Ch. 180, Part 12).**

Part 1
Purpose And Definitions

A
Purpose, Scope and Definitions

§ 251-0101.01. Purpose.

The purpose of this chapter is to safeguard public health and ensure that consumers are provided food that is safe, unadulterated and honestly presented.

§ 251-0101.02. Scope.

This chapter establishes definitions; sets standards for management and personnel, food operations and equipment and facilities; and provides for food facility plan review, licensing, registration, inspection and employee restriction.

§ 251-0101.03. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ADDITIVE — A food additive or a color additive. Adulterated food with respect to which one or more of the following is accurate:

A. The food bears or contains any poisonous or deleterious substance, which may render it injurious to health. However, if the substance is not an added substance, the food will not be considered adulterated if the quantity of the substance in the food does not ordinarily render it injurious to health.

B. The food bears or contains any added poisonous or added deleterious substance, which is unsafe within the meaning of 3 Pa.C.S.A. § 5731. This subsection does not apply to a pesticide chemical in or on a raw agricultural commodity, a food additive or a color additive.

C. The food is a raw agricultural commodity and bears or contains a pesticide chemical which is unsafe within the meaning of 3 Pa.C.S.A. § 5731, except that, when a pesticide chemical has been used in or on a raw agricultural commodity with an exception granted or tolerance prescribed under 3 Pa.C.S.A. § 5731 or under any of the federal acts and the raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating or milling, the residue of the pesticide remaining in or on the processed food will, notwithstanding 3 Pa.C.S.A. § 5731 and this subsection, not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity.

D. The food bears or contains any food additive, which is unsafe within the meaning of 3 Pa.C.S.A. § 5731 or any of the federal acts.

E. The food consists in whole or in part of any diseased, contaminated, filthy, putrid or decomposed substance or is otherwise unfit for food.

F. The food has been produced, prepared, packed or held under unsanitary conditions so that it may have become contaminated with filth or may have been rendered diseased, unwholesome or injurious to health.

G. The food is, in whole or part, the product of a diseased animal or of an animal which has died otherwise than by slaughter.

H. The food is in a container composed, in whole or part, of any poisonous or deleterious substance which may render the contents injurious to health, unless the container is fabricated or manufactured with good manufacturing practices as that standard is defined and delineated by any of the federal acts and their regulations.

I. The food has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption under 3 Pa.C.S.A. § 5731 or under one of the federal acts.

J. The food has had any valuable constituent, in whole or part, omitted or abstracted therefrom.

K. The food has had any substance substituted wholly or in part.

L. Damage or inferiority of the food is concealed in any manner.

M. A substance has been added to the food and it is mixed or packed so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

N. The food bears or contains any color additive which is unsafe within the meaning of 3 Pa.C.S.A. § 5731 or under one of the federal acts.

O. The food bears or contains eggs processed by or egg products derived from a manufacturing, processing or preparing method wherein whole eggs are broken using a centrifuge-type egg breaking machine that separates the egg's liquid interior from the shell.

APPROVED — Acceptable to the Department based on a determination of conformity with principles, practices and generally recognized standards proven to be scientifically sound that protect public health.

BAKERY — Any food facility mixing typical baking ingredients and baking them into a new product for sale to the public including, but not limited to, facilities that prepare foods in said manner either as its sole business or in addition to its retail or wholesale sale of food articles.

BED-AND-BREAKFAST HOMESTEAD OR INN — A private residence which contains 10 or fewer bedrooms used for providing overnight accommodations to the public, and in which breakfast is the only meal served and is included in the charge for the room.

BEVERAGE — A liquid for drinking, including water.

BOTTLED DRINKING WATER — Water that is sealed in bottles, packages or other containers and offered for sale for human consumption. The term includes bottled mineral water.

CASING — A tubular container for sausage products made of either natural or artificial (synthetic) material.

CERTIFICATION NUMBER — A unique combination of letters and numbers assigned by the Department or other shellfish control authority having jurisdiction to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

CFR — The most recently published edition or revision of the Code of Federal Regulations, a compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

CIP or CLEANED IN PLACE —

A. Cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

B. The term does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

COLOR ADDITIVE — A material which is a dye, pigment or other substance made by a process of synthesis or similar artifice or extracted, isolated or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral or other source, and when added or applied to a food is capable, alone or through reaction with other substances, of imparting color thereto.

A. The term includes black, white and intermediate grays.

B. The term does not include materials, which the Secretary, by regulation, determines are used, or are intended to be used, solely for a purpose other than coloring.

C. The term does not include any pesticide chemical, soil or plant nutrient or other agricultural chemical solely because of its effect in aiding, retarding or otherwise affecting, directly or indirectly, the growth or otherwise natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest.

COMMINGLE — To combine shell-stock harvested on different days or from different growing areas as identified on the tag or label or to combine shucked shellfish from containers with different container codes or different shucking dates.

COMMINUTED — A food that is reduced in size by methods including chopping, flaking, grinding or mincing. The term includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

CONFIRMED DISEASE OUTBREAK — A food-borne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

CONSUMER — A person, who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food facility or food processing plant, and does not offer the food for resale.

CONTROLLED ATMOSPHERE PACKAGING — A type of reduced oxygen packaging in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control is maintained, such as by using oxygen

scavengers or a combination of total replacement of oxygen, nonrespiring food and impermeable packaging material.

CORROSION-RESISTANT MATERIAL — A material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions and other conditions of the use environment.

CRITICAL CONTROL POINT — A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

CRITICAL LIMIT — The maximum or minimum value to which a physical, biological or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

DELICATESSEN/DELI — Any food facility taking raw and processed food preparing it in the establishment for consumption off premises, including but not limited to facilities that prepare foods in said manner either as its sole business or in addition to its retail or wholesale sale of food articles.[2]

DRINKING WATER, POTABLE WATER or WATER — Safe drinking water as defined in the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1-721.17). The term does not include water such as boiler water, mop water, rainwater, wastewater and "nondrinking" water.

DRY STORAGE AREA — A room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single service items.

EASILY CLEANABLE —

A. A characteristic of a surface that:

(1) Allows effective removal of soil by normal cleaning methods.

(2) Is dependent on the material, design, construction and installation of the surface.

(3) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose and use.

B. The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in Subsection A to different situations in which varying degrees of cleanability are required, such as one of the following:

(1) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining.

(2) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

EASILY MOVABLE — A unit of equipment that is both of the following:

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2. Editor's Note: The original definition of "department," which immediately followed this definition, was repealed during codification (see Ch. 1, General Provisions, Part 2).

A. Portable; mounted on casters, gliders or rollers; or provided with a mechanical means to safely tilt the unit of equipment for cleaning.

B. Has no utility connection, a utility connection that disconnects quickly or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

EGG — The shell egg of the domesticated chicken, turkey, duck, goose or guinea.

EMPLOYEE — The license or registration holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement or other person working in a food facility.

EPA — The United States Environmental Protection Agency.

EQUIPMENT —

A. An article that is used in the operation of a food facility such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine or ware-washing machine.

B. The term does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks and skids.

EXCLUDE — To prevent a person from working as a food employee or entering a food facility except for those areas open to the general public.

FDA — The United States Food and Drug Administration.

FEDERAL ACTS — The Wholesome Meat Act (21 U.S.C.A. §§ 601–641), the Federal Food, Drug and Cosmetic Act (21 U.S.C. §§ 301–399), the Poultry Products Inspection Act (21 U.S.C.A. §§ 451–471), the Fair Packaging and Labeling Act (15 U.S.C.A. §§ 1451–1461), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.A. §§ 136–136y) and the Nutrition Labeling and Education Act of 1990 (21 U.S.C.A. § 343-1).

FISH — The term includes:

A. Fresh or saltwater finfish, crustaceans, all mollusks and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of those animals), other than birds or mammals, if the animal life is intended for human consumption.

B. The term includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

FOOD — An article used for food or drink by humans, including chewing gum and articles used for components of any article. The term does not include medicines and drugs.

FOOD ADDITIVE —

A. A substance, the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food, with respect to which one or more of the following is correct:

(1) The substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures to be safe under the conditions of its intended use.

(2) The substance has been used in food prior to January 1, 1958, and is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures or experience based on common use in food, to be safe under the conditions of its intended use.

B. The term does not include the following:

(1) A pesticide chemical in or on a raw agricultural commodity.

(2) A pesticide chemical to the extent that it is intended for use or is used in the production, storage or transportation of any raw agricultural commodity.

(3) A color additive.

(4) A substance used in accordance with a sanction or approval granted prior to the enactment of this subsection under a statute repealed by the Food Safety Act,[3] under the Poultry Products Inspection Act or under the Wholesome Meat Act.

(5) A new animal drug.

FOOD-BORNE DISEASE OUTBREAK — The occurrence of two or more cases of a similar illness after ingestion of a common food.

FOOD-CONTACT SURFACE — One of the following:

A. A surface of equipment or a utensil with which food normally comes into contact.

B. A surface of equipment or a utensil from which food may drain, drip or splash into a food, or onto a surface normally in contact with food.

FOOD EMPLOYEE — An individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

FOOD ESTABLISHMENT —

A. A retail food store and a room, building or place or portion thereof or vehicle maintained, used or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing or transporting or handling food.

B. The term includes those portions of public eating and drinking licensees which offer food for sale for off-premises consumption, except those portions of establishments operating exclusively under milk or milk products permits.

FOOD FACILITY — A public eating or drinking place or a retail food establishment. The term does not include the following:

A. A food service facility provided by or at an organized camp or campground.

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3. Editor's Note: See 3 Pa.C.S.A. § 5721 et seq.

B. A food service facility provided by or at a school.

C. A food service facility at an institution such as a nursing home or hospital.

D. Any other food service facility that is not a public eating or drinking place.

E. Food processing plants, warehousing establishments and other food establishments that comply with the following:

(1) Are not retail food establishments.

(2) Do not provide food to the consumer either directly or indirectly (such as through the home delivery of groceries).

(3) Applicable federal regulations.

FOOD FACILITY OPERATOR — The entity that is legally responsible for the operation of the food facility, such as the owner, owner's agent or other person.

FOOD FACILITY PREMISES — The food facility, its contents and the contiguous land or property under the control of the food facility operator. If a food facility is a component of a larger operation, such as a hotel, motel, shopping mall or public campground, and that larger operation is also under the control of the food facility operator, that larger operation is part of the food facility premises to the extent it may impact the food facility, its personnel or its operations.

FOOD PROCESSING PLANT — A commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer. The term does not include a food facility.

FOOD SAFETY ACT — The Food Safety Act (3 Pa.C.S.A. § 5721 et seq.).

GAME ANIMAL —

A. An animal, the products of which are food, that is not classified as any of the following:

(1) Fish, as that term is defined in this chapter.

(2) Cattle, sheep, swine, goat, horse, mule or other equine, as those terms are used in 9 CFR Chapter III, Subchapter A (relating to agency organization and terminology; mandatory meat and poultry products inspection and voluntary inspection and certification).

(3) Poultry, as that term is used in 9 CFR Chapter III, Subchapter A.

(4) Ratites, such as ostriches, emus or rheas.

B. The term includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria or muskrat, and nonaquatic reptiles such as land snakes.

GENERAL USE PESTICIDE — A pesticide that is not classified by the EPA for restricted use as specified in 40 CFR 152.175 (relating to pesticides classified for restricted use).

HACCP-HAZARD ANALYSIS CRITICAL CONTROL POINT — A system developed by the National Advisory Committee on Microbiological Criteria for Foods that identifies and monitors specific food-borne hazards that can adversely affect the safety of the food products.

HACCP PLAN — A written document that delineates the formal procedures for following the HAACP principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

HAZARD — A biological, chemical or physical property (such as the presence of pathogens, pesticides, natural toxins, rodent contamination or foreign materials) that may cause an unacceptable consumer health risk.

HERMETICALLY SEALED CONTAINER — A container that is designed and intended to be secure against the entry of microorganisms and, in the case of low-acid canned foods, to maintain the commercial sterility of its contents after processing.

HIGH-HUMIDITY COOKING — Cooking in an oven that attains relative humidity of greater than 90% for at least one hour as measured in the cooking chamber or exit of the oven, or cooking in a moisture-impermeable bag that provides 100% humidity.

HIGHLY SUSCEPTIBLE POPULATION — A group of persons who are more likely than other people in the general population to experience food-borne disease because both of the following conditions exist:

A. The group is comprised of immunocompromised persons, preschool-age children or older adults.

B. The group obtains food at a facility that provides services such as custodial care, health care, assisted-living services, nutritional services or socialization services. Examples of facilities providing these services include child or adult day-care centers, health-care centers, assisted-living facilities, hospitals, nursing homes, kidney dialysis centers and senior centers.

HONESTLY PRESENTED — Food offered for human consumption in a way that does not mislead or misinform the consumer, and without misrepresenting the true appearance, color or quality of the food through the use of food or color additives, colored overwraps, lighting or other means.

IMMINENT HEALTH HAZARD — A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on one or more of the following:

A. The number of potential injuries.

B. The nature, severity and duration of the anticipated injury.

INJECTED — Manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices which may be referred to as "injecting," "pinning" or "stitch pumping."

JUICE — When used in the context of food safety, the term refers to the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrate of the liquid or puree. The term includes juice as a whole beverage, an ingredient of a beverage, and a puree as an ingredient of a beverage. This definition does not apply to standards of identity established by the FDA or USDA.

KITCHENWARE — Food preparation and storage utensils.

LICENSE — A grant to a license to operate a public eating or drinking place, as defined in the Retail Food Facility Safety Act.[4,5]

LINENS — Fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths and work garments, including cloth gloves.

MG/L — Milligrams per liter, which is the metric equivalent of parts per million.

MEAT — The flesh of animals used as food including the dressed flesh of cattle, swine, sheep or goats and other edible animals. The term does not include fish, poultry and wild game animals as specified under § 46.221(b) and (c)[6] (relating to game animals).

MILK SANITATION LAW — The Act of July 2, 1935 (P.L. 589, No. 210) (31 P.S. §§ 645–660e).

MOBILE FOOD FACILITY — Any stationary, movable or temporary food facility, such as a stand, vehicle, cart, basket, box or similar structure from which food is stored, prepared, processed, distributed or sold, which physically locates at one site or location for no more than 14 consecutive days, whether operating continuously or not during this time. The term does not include a food facility that is physically located at one site for more than 14 consecutive days.

MODIFIED ATMOSPHERE PACKAGING —

A. A type of reduced oxygen packaging in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food.

B. The term includes: reduction in the proportion of oxygen, total replacement of oxygen or an increase in the proportion of other gases such as carbon dioxide or nitrogen.

MOLLUSCAN SHELLFISH — An edible species of fresh or frozen oysters, clams, mussels and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

NONPUBLIC WATER SUPPLY — A system for the provision of piped water for human consumption that is not a public water system.

OTHER FOOD REGULATORY AGENCY — Local bodies, state bodies other than the commonwealth or federal enforcement bodies having jurisdiction over a food establishment or food processing plant. Examples include the USDA with respect to most meat processing plants within this commonwealth and the FDA having jurisdiction over food products imported from other countries.

pH — The symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero and seven indicate acidity and values between seven and 14 indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.

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4. Editor's Note: See 3 Pa.C.S.A. § 5701 et seq.

5. Editor's Note: The original definition of "licensor," which immediately followed this definition, was repealed during codification (see Ch. 1, General Provisions, Part 2).

6. Editor's Note: See 7 Pa. Code § 46.221(b) and (c).

PACKAGED —

A. Bottled, canned, cartoned, securely bagged or securely wrapped in a food facility or a food processing plant.

B. The term does not include a wrapper, carry-out box or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

PENNSYLVANIA CONSTRUCTION CODE ACT — 35 P.S. §§ 7210.101 through 7210.1103.

PENNSYLVANIA SEWAGE FACILITIES ACT — 35 P.S. §§ 750.1 through 750.20a.

PERMANENT FOOD FACILITY — A food facility, whether stationary or mobile, that is not a temporary food facility operating more than 14 days in a single calendar year, whether these days are consecutive or not.

PERMIT — A license. The term "license" and "permit" are used interchangeably herein.

PERSON — A corporation, partnership, limited liability company, business trust, other association, government entity (other than the commonwealth), estate, trust, foundation or natural person.

PERSONAL CARE ITEMS —

A. Items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance.

B. The term includes items such as medicines, first aid supplies, cosmetics, toiletries (such as toothpaste and mouthwash) and similar items.

PERSON IN CHARGE — The individual present at a food facility responsible for the operation at the time of inspection.

PHYSICAL FACILITIES — The structure and interior surfaces of a food facility, including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air-conditioning system vents.

PLUMBING FIXTURE — A receptacle or device that is one or more of the following:

A. Permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system.

B. Discharges used water, waste materials or sewage directly or indirectly to the drainage system of the premises.

PLUMBING SYSTEM — The water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices and appurtenances within the premises; and water-treating equipment.

POISONOUS OR TOXIC MATERIAL — A substance that is not intended for ingestion and that fits within one or more of the following categories:

A. Cleaners and sanitizers, including cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals.

B. Pesticides.

C. Substances necessary for the operation and maintenance of the establishment, such as non-food-grade lubricants, solvents and personal care items that may be deleterious to health.

D. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

POTENTIALLY HAZARDOUS FOOD —

A. A food which consists, in whole or part, of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

B. The term does not include foods that have a pH level of 4.6 or below or a water activity of 0.85 or less under standard conditions or food products in hermetically sealed containers processed to maintain commercial sterility.

POULTRY — One or more of the following:

A. A domesticated bird (chickens, turkeys, ducks, geese or guineas), whether live or dead, as defined in 9 CFR, Chapter III, Subchapter A, Part 381 (relating to poultry products inspection regulations).

B. A migratory waterfowl or game bird, such as pheasant, partridge, quail, grouse, guineas, pigeon or squab, whether live or dead, as defined in the USDA regulations in 9 CFR, Part 362 (relating to voluntary poultry inspection regulations).

C. The term does not include ratites.

PRIMAL CUT — A basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank or veal breast.

PUBLIC EATING OR DRINKING PLACE — A place within this commonwealth where food or drink is served to or provided for the public, with or without charge. The term does not include dining cars operated by a railroad company in interstate commerce or a bed-and-breakfast homestead or inn.

PUBLIC WATER SYSTEM — A system which provides water to the public for human consumption, and which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or as otherwise specified in 25 Pa. Code Chapter 109 (relating to safe drinking water).

A. The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection with the system.

B. The term also includes a system which provides water for bottling or bulk hauling for human consumption.

RATITE — An animal belonging to the same family as ostriches, emus and rheas.

READY-TO-EAT FOOD — Any of the following types of food:

A. Food in a form that is edible without additional preparation to achieve food safety, such as raw animal-derived foods that have been cooked in accordance with § 46.361 or 46.362[7]

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7. Editor's Note: See 7 Pa. Code § 46.361 or 46.362.

(relating to cooking raw animal-derived foods; and microwave cooking), or fish that have been frozen in accordance with § 46.364[8] (relating to parasite destruction in fish other than molluscan shellfish by freezing), although additional preparation may occur for palatability or aesthetic, epicurean, gastronomic or culinary purposes.

B. Food that is raw or partially undercooked animal-derived food, where the food facility offering the food has complied with § 46.361(d)(1)[9] and the consumer notification requirements of § 46.423[10] (relating to consumer advisory required with respect to animal-derived foods that are raw, undercooked or not otherwise processed to eliminate pathogens), although additional preparation may occur for palatability or aesthetic, epicurean, gastronomic or culinary purposes.

C. Food that is prepared in accordance with a variance issued by the Department under §§ 46.361(d)(2) and 46.1103[11] (relating to variances), although additional preparation may occur for palatability or aesthetic, epicurean, gastronomic or culinary purposes.

D. Raw fruits and vegetables that are washed in accordance with § 46.285[12] (relating to washing raw fruits and vegetables).

E. Fruits and vegetables that are cooked for hot holding in accordance with § 46.363[13] (relating to plant food cooking for hot holding).

F. Potentially hazardous food that is cooked in accordance with the time and temperature requirements for that specific food in §§ 46.361 through 46.363,[14] and that is cooled as specified in § 46.384[15] (relating to potentially hazardous food cooling).

G. Plant food with respect to which further washing, cooking or other processing is not required for food safety, and from which rinds, peels, husks or shells (if naturally present) are removed.

REDUCED-OXYGEN PACKAGING —

A. The reduction of the amount of oxygen in a package by removing oxygen, displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding 21% oxygen atmosphere.

B. A process as specified in Subsection A that involves a food for which Clostridium botulinum is identified as a microbiological hazard in the final packaged form.

C. The term includes vacuum packaging, modified atmosphere packaging and controlled atmosphere packaging.

REFUSE — Solid waste not carried by water through the sewage system.

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8. Editor's Note: See 7 Pa. Code § 46.364.

9. Editor's Note: See 7 Pa. Code § 46.361(d)(1).

10. Editor's Note: See 7 Pa. Code § 46.423.

11. Editor's Note: See 7 Pa. Code §§ 46.361(d)(2) and 46.1103, respectively..

12. Editor's Note: See 7 Pa. Code § 46.285.

13. Editor's Note: See 7 Pa. Code § 46.363.

14. Editor's Note: See 7 Pa. Code §§ 46.361 through 46.363.

15. Editor's Note: See 7 Pa. Code § 46.384.

REGISTRATION — A grant to a person to operate a food establishment within this commonwealth as required by 3 Pa.C.S.A. § 5734.

REG. PENNA. DEPT. AGR. — An abbreviation connoting that a food bearing that abbreviation on its package label has been processed by a food establishment that is "registered with the Pennsylvania Department of Agriculture" in accordance with 3 Pa.C.S.A. § 5734(a).

RESTRICT — To limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens and unwrapped single-service or single-use articles.

RESTRICTED EGG — Any check, dirty egg, incubator reject, inedible, leaker or loss as defined in Chapter 87[16] (relating to standards for grading and marketing eggs).

RESTRICTED-USE PESTICIDE — A pesticide classified for restricted use under Section 3(d) of the Federal Insecticide, Fungicide and Rodenticide Act of 1947 [7 U.S.C.A. § 136(d)], or a pesticide designated by the Secretary for restricted use under Section 7(b)(6) of the Pennsylvania Pesticide Control Act of 1973 [3 P.S. § 111.27(b)(6)].

RETAIL FOOD ESTABLISHMENT — A food establishment which stores, prepares, packages, vends, offers for sale or otherwise provides food for human consumption and which relinquishes possession of food to a consumer directly, or indirectly, through a delivery service such as home delivery of grocery orders or delivery service provided by common carriers.

RETAIL FOOD SAFETY ACT — 3 Pa.C.S.A. § 5701 et seq.

RISK — The likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

SAFE MATERIAL — One or more of the following:

A. An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

B. An additive that is used as specified in Section 409 or Section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. § 301 or 376).

C. A material that is not an additive and that is used in conformity with applicable regulations of the FDA.

SANITIZATION — The application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

SEALED — Free of cracks or other openings that allow the entry or passage of moisture.

SECRETARY — The Secretary of the Department or an authorized representative, employee or agent of the Department.

SERVICE ANIMAL — An animal such as a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.

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16. Editor's Note: See 7 Pa. Code Chapter 87.

SERVICING AREA — An operating base location to which a mobile food facility or transportation vehicle returns regularly for things such as discharging liquid or solid wastes, refilling water tanks and ice bins and boarding food.

SEWAGE — A substance, which contains waste products or excrements or other discharges from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

SHELLFISH CONTROL AUTHORITY — A state, federal, foreign, tribal or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

SHELLFISH PERMIT — A permit issued by the Department in accordance with Chapter 49[17] (relating to shellfish) and the National Shellfish Sanitation Program, that authorizes a person to operate a food establishment for shellfish.

SHELLFISH PERMIT HOLDER — The entity that meets the following conditions:

A. Is legally responsible for the operation of the food establishment such as the owner, owner's agent or other person.

B. Possesses a valid shellfish permit to operate a shellfish food establishment.

SHELL STOCK — Raw, in-shell molluscan shellfish.

SHIGA TOXIN-PRODUCING ESCHERICHIA COLI — Any E. coli capable of producing Shiga toxins, also called Verocytotoxins or Shiga-like toxins. This includes, but is not limited to, E. coli serotypes 0157:117,0157:NM and 0157:11.

SHUCKED SHELLFISH — Molluscan shellfish that have one or both shells removed.

SINGLE-SERVICE ARTICLES — Tableware, carry-out utensils and other items such as bags, containers, place mats, stirrers, straws, toothpicks and wrappers that are designed and constructed for one-time, one-person consumer use, after which they are intended for discard.

SINGLE-USE ARTICLES —

A. Utensils and bulk food containers designed and constructed to be used once and discarded.

B. The term includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number 10 cans which do not meet the materials, durability, strength and cleanability specifications in §§ 46.521(a), 46.541(a) and 46.542(a) and (b)[18] (relating to materials in multiuse utensils and food-contact surfaces; durability and strength; and cleanability of multiuse food-contact surfaces and CEP equipment) for multiuse utensils.

C. The term does not include formed aluminum containers used in conjunction with pan liners that may be reused to cook non-potentially hazardous baked goods.

SLACKING — The process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23° C. (-10° F.) to -4° C. (25° F.) in preparation

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17. Editor's Note: See 7 Pa. Code Chapter 49.

18. Editor's Note: See 7 Pa. Code §§ 46.521(a), 46.541(a) and 46.542(a) and (b).

for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.

SMOOTH — One or more of the following:

A. A food-contact surface having a surface free of pits and inclusions with cleanability equal to or exceeding that of (100 grit) number-3 stainless steel.

B. A non-food-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale.

C. A floor, wall or ceiling having an even or level surface with no roughness or projections that renders it difficult to clean.

SUBSTANCE — A material intended for use in producing, manufacturing, packaging, processing, preparing, treating, transporting or holding food and any source of radiation intended for any use.

SULFITING AGENT — A substance which imparts a residual of sulfur dioxide.

TABLE-MOUNTED EQUIPMENT — Equipment that is not portable and is designed to be mounted off the floor on a table, counter or shelf.

TABLEWARE — Eating, drinking and serving utensils for table use such as plates, flatware (including forks, hives and spoons) and hollowware (including bowls, cups, serving dishes and tumblers).

TEMPERATURE-MEASURING DEVICE — A thermometer, thermocouple, thermistor or other device that indicates the temperature of food, air or water.

TEMPORARY FOOD FACILITY — A food facility that operates for a period of no more than 14 consecutive days in a fixed location and in conjunction with a single event or celebration (such as a fair, festival, carnival or other transitory gathering).

TEMPORARY LICENSE — Either of the following:

A. A license that is the following:

(1) Issued to the operator of a temporary food facility.

(2) Valid for the duration of a particular event or celebration (such as a fair or carnival) of no more than 14 days' duration (whether these days are consecutive or nonconsecutive).

(3) Issued to the operator with respect to no more than three events or celebrations in a particular calendar year.

B. A license that is the following:

(1) Issued to a food facility operator operating a food facility, whether stationary or mobile.

(2) In operation for a total of no more than 14 days within a particular calendar year.

(3) Not in conjunction with an event or celebration.

USDA — The United States Department of Agriculture.

UTENSIL — A food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food. The term includes the following:

A. Kitchenware or tableware that is multiuse, single-service or single-use.

B. Gloves used in contact with food.

C. The temperature sensing probes of food temperature-measuring devices.

D. Probe-type price or identification tags used in contact with food.

UTILITY SINK — A sink used for the disposal of mop water or other similar liquid waste.

VACUUM PACKAGING — A type of reduced-oxygen packaging in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous-vide.

VARIANCE — A written document issued by the Department that authorizes a modification or waiver of one or more requirements of this chapter if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.

VENDING MACHINE — A self-service device that, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

VENDING MACHINE LOCATION — The room, enclosure, space or area where one or more vending machines are installed and operated. The term includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

WARE-WASHING — The cleaning and sanitizing of food-contact surfaces of equipment and utensils.

WATER ACTIVITY or AW — A measure of the free moisture in a food, obtained by dividing the water vapor pressure of the substance by the vapor pressure of pure water at the same temperature. Water activity is typically indicated by the symbol aw.

WATER FOR HUMAN CONSUMPTION — The term includes water that is used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.

WHOLE-MUSCLE, INTACT BEEF — Whole-muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

Part 2
Management And Personnel

A
Supervision

§ 251-0201.01. Designation of person in charge.

The food facility operator shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food facility during all hours of operation.

§ 251-0201.02. Duties of person in charge.

The person in charge shall perform the following duties:

A. Ensure that food facility operations are not conducted in a private home where the food facility has not been approved by the Department, or in a room used as living or sleeping quarters as specified in § 251-0602.02K (relating to functionality of various physical facilities of a food facility).

B. Ensure that persons unnecessary to the food facility operation are not allowed in the food preparation, food storage or ware-washing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, linens and unwrapped single-service and single-use articles are protected from contamination.

C. Ensure that employees and other persons (such as delivery and maintenance persons and pesticide applicators) entering the food preparation, food storage and ware-washing areas comply with this chapter.

D. Routinely monitor employee hand-washing to ensure that employees effectively clean their hands.

E. Routinely monitor employee observations and periodically evaluate foods upon receipt to ensure that employees visibly observe foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated and accurately presented.

F. Conduct daily oversight of the employees' routine monitoring of cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated in accordance with §§ 251-0404.01 and 251-0410.01B (relating to accuracy of temperature measuring devices for food; and utensils and temperature- and pressure-measuring devices: repair and calibration), to ensure the employees are properly cooking potentially hazardous food, and are being particularly careful in cooking those foods known to cause severe food-borne illness and death, such as eggs and comminuted meats.

G. Conduct daily oversight of the employees' routine monitoring of food temperatures during cooling, to ensure that employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours.

H. Ensure that consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed, in accordance with § 251-0312.03 (relating to consumer advisory

required with respect to animal-derived foods that are raw, undercooked or not otherwise processed to eliminate pathogens), that the food is not cooked sufficiently to ensure its safety.

I. Routinely monitor solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature and exposure time for chemical sanitizing, to ensure that employees properly sanitize cleaned multiuse equipment and utensils before they are reused.

J. Ensure that consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets, in accordance with § 251-0306.06 (relating to using clean tableware for second portions and refills).

K. Ensure that employees prevent cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils, such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment, or by following a procedure approved under § 251-0304.01D (relating to preventing contamination from food employees' hands).

L. Ensure that employees are properly trained in food safety as it relates to their assigned duties.

B
Employee Health

§ 251-0202.01. Duty to report disease or medical condition.

A. Responsibility of a food facility operator to require reporting. A food facility operator shall require a food employee and a food employee applicant to whom a conditional offer of employment is made to report to the person in charge information about their health and activities as they relate to diseases described in § 251-0202.02 (relating to diseases or medical conditions that must be reported) or diseases that are transmissible through food.

B. Responsibility of a person in charge to report information to department. The person in charge shall notify the Department that a food employee is diagnosed with an illness due to Salmonella typhi, Shigella spp., Shiga toxin-producing Escherichia coli or hepatitis A virus.

C. Responsibilities of a food employee or food employee applicant. A food employee or a person who applies for a job as a food employee shall report to the person in charge the information specified in this section in a manner that allows the person in charge to prevent the likelihood of food-borne disease transmission. This information includes the date of onset of jaundice or the date of onset of any illness or condition specified in § 46.112.[19]

Cross-references

This section cited in 7 Pa. Code § 46.1144 (relating to conditions of retention: responsibilities of the food facility operator).

§ 251-0202.02. Diseases or medical conditions that must be reported.

A food employee or food employee applicant shall report the following diseases, medical conditions or special circumstances to the person in charge:

A. A diagnosis of an illness due to any of the following:

(1) Salmonella typhi.

(2) Shigella spp.

(3) Shiga toxin-producing Escherichia coli.

(4) Hepatitis A virus.

B. A past illness from any of the following:

(1) Salmonella typhi within the past three months.

(2) Shigella spp. within the past month.

(3) Shiga toxin-producing Escherichia coli within the last month.

(4) Hepatitis A virus.

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19. Editor's Note: See 7 Pa. Code § 46.112.

C. A symptom caused by illness, infection or other source, where that symptom is associated with an acute gastrointestinal illness such as any of the following:

(1) Diarrhea.

(2) Fever.

(3) Vomiting.

(4) Jaundice.

(5) Sore throat with fever.

D. A lesion containing pus such as a boil or infected wound that is open or draining and is any of the following:

(1) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover.

(2) On exposed portions of the arms, unless the lesion is protected by an impermeable cover.

(3) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage.

E. The food employee or food employee applicant is suspected of causing a confirmed disease outbreak caused by S. typhi, Shigella spp., Shiga toxin-producing Escherichia coli or hepatitis A virus, including an outbreak at an event such as a family meal, church supper or festival because the food employee or applicant prepared food implicated in the outbreak.

F. The food employee or food employee applicant is suspected of being exposed to a confirmed disease outbreak caused by S. typhi, Shigella spp., Shiga toxin-producing Escherichia coli or hepatitis A virus, including an outbreak at an event such as a family meal, church supper or festival because the food employee or applicant did either of the following:

(1) Consumed food implicated in the outbreak.

(2) Consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent.

G. The food employee or food employee applicant lives in the same household as a person who is diagnosed with a disease caused by S typhi, Shigella spp., Shiga toxin-producing Escherichia coli or hepatitis A virus, and knows of that diagnosis.

H. The food employee or food employee applicant lives in the same household as a person who attends or works in a setting where there is a confirmed disease outbreak caused by S. typhi, Shigella spp., Shiga toxin-producing Escherichia coli or hepatitis A virus, and knows of that outbreak.

Cross-references

This section cited in 7 Pa. Code § 46.111 (relating to duty to report disease or medical condition); 7 Pa. Code § 46.113 (relating to duty to impose exclusions and restrictions); and 7 Pa. Code § 46.115 (relating to removing exclusions and restrictions).

§ 251-0202.03. Duty to impose exclusions and restrictions.

A. General exclusions and restrictions. A person in charge shall impose the following exclusions and restrictions:

(1) Exclude a food employee from a food facility if the food employee is diagnosed with an infectious agent specified in § 251-0202.02 (relating to diseases or medical conditions that must be reported).

(2) Restrict a food employee from working with exposed food; clean equipment, utensils, linens and unwrapped single-service and single-use articles, in a food facility if the food employee is either of the following:

(a) Experiencing a symptom specified in § 251-0202.02C or D.

(b) Not experiencing a symptom of acute gastroenteritis specified in § 251-0202.02C, but has a stool that yields a specimen culture that is positive for Salmonella typhi, Shigella spp. or Shiga toxin-producing Escherichia coli.

B. Special exclusions with respect to a food employee who is jaundiced. If a food employee is jaundiced, the person in charge shall exclude the food employee as a food handler until seven days after the onset of jaundice. If a food employee is jaundiced more than seven days after onset, the person in charge shall restrict the food employee from working with exposed food and clean equipment, utensils, linens and unwrapped single-service and single-use articles in a food facility.

C. Special exclusions with respect to a food facility serving a highly susceptible population. If the population served by the food facility is a highly susceptible population, a person in charge shall impose any exclusions or restrictions required under Subsection A and also exclude a food employee from the food facility if the food employee is any of the following:

(1) Experiencing a symptom of acute gastrointestinal illness specified in § 251-0202.02C and meets any of the high-risk conditions specified in § 251-0202.02E, F, G or H.

(2) Is not experiencing a symptom of acute gastroenteritis specified in § 251-0202.02C, but has a stool that yields a specimen culture that is positive for S. typhi, Shigella spp. or Shiga toxin-producing Escherichia coll.

(3) Had a past illness from S. typhi within the last three months.

(4) Had a past illness from Shigella spp. or Shiga toxin-producing Escherichia coli within the last month.

(5) Jaundiced, regardless of the time of onset.

Cross-references

This section cited in 7 Pa. Code § 46.114 (relating to duty to comply with exclusions and restrictions); 7 Pa. Code § 46.115 (relating to removing exclusions and restrictions); and 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0202.04. Duty to comply with exclusions and restrictions.

A food employee or a person who applies for a job as a food employee shall comply with exclusions and restrictions that are imposed by the person in charge under authority of § 251-0202.03 (relating to duty to impose exclusions and restrictions).

§ 251-0202.05. Removing exclusions and restrictions.

A. Disease or medical condition described in § 251-0202.02A. A person in charge may not remove an exclusion imposed as a result of a disease or medical condition described in § 251-0202.02 (relating to diseases or medical conditions that must be reported) unless the excluded person provides the person in charge written medical documentation specifying that the excluded person may work in an unrestricted capacity in a food facility, including a facility that serves a highly susceptible population, because the person is free of the infectious agent of concern. This documentation shall be from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician assistant.

B. Disease or medical condition with respect to which restrictions are imposed under § 251-0202.03A(2)(a). A person in charge may not remove a restriction imposed under authority of § 251-0202.03A(2)(a) (relating to duty to impose exclusions and restrictions) as a result of a disease or medical condition unless at least one of the following is accurate:

(1) The person is free of the symptoms specified in § 251-0202.02C and D, and no food-borne illness occurs that may have been caused by the restricted person.

(2) The person is suspected of causing food-borne illness, but both of the following are true:

(a) The person is free of the symptoms specified in § 251-0202.02C and D.

(b) The person provides written medical documentation from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician assistant stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing food-borne illness.

(3) The restricted person provides written medical documentation from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician assistant stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome or ulcerative colitis.

C. Disease or medical condition with respect to which restrictions are imposed under authority of § 251-0202.03A(2)(b). A person in charge may not remove a restriction imposed as a result of a disease or medical condition imposed under authority of § 251-0202.03A(2)(b) unless the restricted person provides written medical documentation from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician assistant

that indicates the restricted person's stools are free from Salmonella typhi, Shigella spp. or Shiga toxin-producing Escherichia coli, whichever is the infectious agent of concern.

D. Disease or medical condition with respect to which exclusions or restrictions are imposed under authority of § 251-0202.03B. A person in charge may not remove an exclusion or restriction imposed as a result of a disease or medical condition described in § 251-0202.03B unless the excluded or restricted person provides written medical documentation from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician's assistant that specifies that the person is free of hepatitis A virus.

E. Disease or medical condition with respect to which exclusions are imposed under authority of § 251-0202.03C. A person in charge may not remove an exclusion imposed with respect to a food facility serving a highly susceptible population as a result of a disease or medical condition described in § 251-0202.03C unless the restricted person provides written medical documentation from a physician licensed to practice medicine, a licensed nurse practitioner or a licensed physician's assistant that states, as applicable, that the person is:

(1) Free of the infectious agent of concern.

(2) Free of jaundice, if hepatitis A virus is the infectious agent of concern.

(3) Experiencing symptoms resulting from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome or ulcerative colitis.

C
Personal Cleanliness

§ 251-0203.01. Cleanliness of hands and exposed portions of arms.

A. Responsibility of food employees. Food employees shall keep their hands and exposed portions of their arms clean.

B. Cleaning procedure.

(1) General procedure. Except as specified in Subsection B(2), food employees shall clean their hands and exposed portions of their arms (or surrogate prosthetic devices for hands or arms) for at least 20 seconds using a cleaning compound in a hand-washing sink that is equipped as specified in § 251-0502.02B (relating to design, construction and installation of plumbing systems) by using the following cleaning procedure:

(a) Create vigorous friction on the surfaces of the lathered fingers, finger tips, areas between the fingers, hands and arms (or by vigorously rubbing the surrogate prosthetic devices for hands and arms) for at least 10 to 15 seconds.

(b) Thoroughly rinse under clean running warm water.

(c) Immediately follow the rinse with thorough drying of cleaned hands and arms (or surrogate prosthetic devices) using a method specified in § 251-0603.01C (relating to hand-washing facilities: numbers and capacities).

(d) Employees shall pay particular attention to the areas underneath the fingernails and between the fingers during this cleaning procedure.

(2) Alternative procedure. An automatic hand-washing facility may be used by food employees to clean their hands if the facility is approved and capable of removing the types of soils encountered in the food operations involved.

Cross-references

This section cited in 7 Pa. Code § 46.132 (relating to duty of food employees to wash); 7 Pa. Code § 46.134 (relating to hand sanitizers); 7 Pa. Code § 46.153 (relating to animals); and 7 Pa. Code § 46.261 (relating to preventing contamination from food employees' hands).

§ 251-0203.02. Duty of food employees to wash.

Food employees shall clean their hands and exposed portions of their arms as specified in § 251-0203.01 (relating to cleanliness of hands and exposed portions of arms) as follows:

A. Immediately before engaging in food preparation activities such as working with exposed food, working with clean equipment and utensils, and working with unwrapped single-service and single-use articles.

B. After touching bare human body parts other than clean hands and clean, exposed portions of arms.

C. After using the toilet room.

D. After caring for or handling service animals or aquatic animals as specified in § 251-0204.03B (relating to animals).

E. Except as specified in § 251-0204.01A(2) (relating to food contamination prevention), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking.

F. After handling soiled equipment or utensils.

G. During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.

H. When switching between working with raw food and working with ready-to-eat food.

I. Before donning gloves for working with food.

J. After engaging in other activities that contaminate the hands.

Cross-references

This section cited in 7 Pa. Code § 46.153 (relating to animals).

§ 251-0203.03. Required washing locations.

Food employees shall clean their hands in a hand-washing sink or approved automatic hand-washing facility. Food employees may not clean their hands in a sink used for food preparation or ware-washing, or in a utility sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

§ 251-0203.04. Hand sanitizers.

A. Requirements. A hand sanitizer and a chemical hand-sanitizing solution used as a hand dip shall:

(1) Comply with one or more of the following:

(a) Be an approved drug that is listed in the most current FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations as an approved drug based on safety and effectiveness.

(b) Have active antimicrobial ingredients that are listed in the most current FDA monograph for OTC (over-the-counter) Health-Care Antiseptic Drug Products as an antiseptic hand-wash.

(2) Comply with one or more of the following:

(a) Have components that are exempted from the requirement of being listed in federal food additive regulations as specified in 21 CFR 170.39 (relating to threshold of regulation for substances used in food-contact articles).

(b) Comply with, and be listed in, one or more of the following:

[1] 21 CFR 178 (relating to indirect food additives: adjuvants, production aids, and sanitizers as regulated for use as a food additive with conditions of safe use).

[2] 21 CFR 182 (relating to substances generally recognized as safe), 21 CFR 184 (relating to direct food substances affirmed as generally recognized as safe) or 21 CFR 186 (relating to indirect food substances affirmed as generally recognized as safe).

(c) Be limited to situations when use is followed by a thorough hand rinsing in clean water before hand contact with food, or when hand contact with food is avoided by the use of gloves, or where there is no direct contact with food by bare hands.

(3) Be applied only to hands that are cleaned as specified in § 251-0203.01B (relating to cleanliness of hands and exposed portions of arms).

B. Chemical hand sanitizing solution. A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 mg/L (ppm) chlorine.

§ 251-0203.05. Cleanliness of fingernails.

A. General. Food employees shall keep their fingernails trimmed, filed and maintained so the edges and surfaces are cleanable and not rough.

B. Fingernail polish and artificial fingernails. Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

§ 251-0203.06. Jewelry.

Food employees may not wear jewelry (including medical information jewelry) on their arms and hands while preparing food. This prohibition does not apply to a plain ring such as a wedding band.

§ 251-0203.07. Cleanliness of outer clothing.

Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, single-service articles and single-use articles.

D
Hygienic Practices

§ 251-0204.01. Food contamination prevention.

A. Eating, drinking or using tobacco.

(1) General prohibition. An employee may not eat, drink or use any form of tobacco unless the use occurs in designated areas where the contamination of exposed food; clean equipment, utensils and linens; unwrapped single-service and single-use articles; or other items needing protection cannot result. The sole exception to this prohibition is in Subsection A(2).

(2) Exception for closed beverage containers. A food employee may drink from a closed beverage container if the container is handled to prevent contamination of the following:

(a) The employee's hands.

(b) The container.

(c) Exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

B. Discharges from the eyes, nose and mouth. Food employees experiencing persistent sneezing, coughing or a runny nose that causes discharges from the eyes, nose or mouth may not work with exposed food; clean equipment, utensils and linens; or unwrapped single-service or single-use articles.

Cross-references

This section cited in 7 Pa. Code § 46.132 (relating to duty to food employees to wash).

§ 251-0204.02. Hair restraints.

A. General requirement. Employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints and clothing that covers body hair, that are effectively designed and worn to keep their hair from contacting exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

B. Exception. This section does not apply to food employees who present a minimal risk of contaminating exposed food, clean equipment, utensils, linens and unwrapped single-service and single-use articles. These food employees may include employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses and wait staff.

§ 251-0204.03. Animals.

A. Circumstances under which handling of animals is prohibited. Food employees may not care for or handle animals that may be present such as patrol dogs, service animals or pets that are allowed as specified in § 251-0605.02 (relating to limitations on animals).

B. Circumstances under which handling of animals is permissible. Employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified in §§ 251-0203.01B and 251-0203.02 (relating to cleanliness of hands and exposed portions of arms; and duty of food employees to wash).

Cross-references

This section cited in 7 Pa. Code § 46.132 (relating to duty of food employees to wash).

Part 3
Food

A
Characteristics

§ 251-0301.01. Food shall be safe, unadulterated and honestly presented.

Food shall be safe, unadulterated and-in accordance with § 251-0312.01B (relating to accurate representation), honestly presented.

Cross-references

This section cited in 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food); 7 Pa. Code § 46.584 (relating to vending machines); and 7 Pa. Code § 46.632 (relating to food temperature measuring devices).

B
Food Sources

§ 251-0302.01. Food sources.

Food shall be obtained from sources that comply with the Food Safety Act,[20] the Retail Food Safety Act[21] and this chapter. Records of food sources shall be maintained and made available for review upon request by the Department.

Cross-references

This section cited in 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.02. Food prepared in a private home.

Food prepared in a private home, not approved by the Department, may not be used or offered for human consumption in a food facility.

Cross-references

This section cited in 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.03. Packaged food.

Packaged food shall be labeled as specified in § 251-0312.02 (relating to labeling).

Cross-references

This section cited in 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.04. Whole-muscle, intact beef.

Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in § 251-0309.01C (relating to cooking raw animal-derived foods) shall be one of the following:

A. Obtained from a food establishment that either packages the steaks and labels them to indicate that they meet the definition of whole-muscle, intact beef or provides an invoice or other documentation indicating that the steaks meet that definition.

B. Individually cut in a food facility, and all of the following:

(1) Cut from whole-muscle intact beef that is labeled or documented by a food establishment to indicate that the beef meets the definition of "whole-muscle intact beef" as specified in Subsection A.

(2) Prepared so they remain intact.

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20. Editor's Note: See 3 Pa.C.S.A. § 5721 et seq.

21. Editor's Note: See 3 Pa.C.S.A. § 5701 et seq.

(3) If packaged for undercooking in a food facility, labeled or documented to indicate that they meet the definition of "whole-muscle, intact beef" as specified in Subsection A.

Cross-references

This section cited in 7 Pa. Code § 46.361 (relating to cooking raw animal-derived foods); 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.05. Packaged meat and poultry that is not a ready-to-eat food.

Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption shall be labeled to include safe handling instructions as specified in the Food Safety Act[22], including 9 CFR.

Cross-references

This section cited in 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.06. Food in a hermetically sealed container.

Food in a hermetically sealed container shall be obtained from a food establishment that is regulated by the Department or other food regulatory agency that has jurisdiction over the food processing plant.

Cross-references

This section cited in 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.07. Milk and milk products.

Milk and milk products shall be obtained from sources that comply with Section 2 of the Milk Sanitation Law (31 P.S. § 646).

Cross-references

This section cited in 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.08. Fish.

A. Sources. Fish that are received for sale or service shall be one of the following:

(1) Commercially and legally caught or harvested.

(2) Approved for sale or service.

B. Non-molluscan fish for raw consumption. Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified in § 251-0309.01D(1) (relating to cooking raw animal-derived foods) may not be offered for sale or service unless they are obtained from a supplier that freezes the fish as specified in § 251-0309.04A and B (relating to parasite destruction in fish other than molluscan shellfish by freezing) or frozen

22. Editor's Note: See 3 Pa.C.S.A. § 5721 et seq.

on the premises as specified in § 251-0309.04A and B and records are retained as specified in § 251-0309.04C.

Cross-references

This section cited in 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.09. Molluscan shellfish.

A. Sources. Molluscan shellfish shall be obtained from sources that are in compliance with 3 Pa.C.S.A. § 5734 (31 P.S. § 20.14), Chapter 49[23] (relating to shellfish) and this subchapter, and the requirements specified in the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

B. Molluscan shellfish received or intended for sale in interstate commerce. Molluscan shellfish received or intended for sale in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

C. Molluscan shellfish that are recreationally caught. Molluscan shellfish that are recreationally caught may not be received for sale or service.

Cross-references

This section cited in 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.10. Wild mushrooms.

A. General source requirement. Mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by a mushroom identification expert. The exceptions to this requirement are in Subsection B.

B. Exceptions. Subsection A does not apply to the following:

(1) Cultivated wild mushroom species that are grown, harvested and processed in an operation that is regulated by the Department or other food regulatory agency that has jurisdiction over the operation.

(2) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the Department or other food regulatory agency that has jurisdiction over the food processing plant.

Cross-references

This section cited in 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.11. Game animals.

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23. Editor's Note: See 7 Pa. Code Chapter 49.

A. Game animals commercially raised for food. If game animals commercially raised for food are received for sale or service they shall be at least one of the following:

(1) Raised, slaughtered and processed under a voluntary inspection program administered by the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo or bison) that are "inspected and approved" in accordance with the Voluntary Exotic Animal Program in 9 CFR 352 (relating to exotic animals; voluntary inspection) or rabbits that are "inspected and certified" in accordance with the Rabbit Inspection Program in 9 CFR 354 (relating to voluntary inspection of rabbits and edible products thereof).

(2) Under a routine inspection program conducted by the Department or other food regulatory agency that has animal health jurisdiction, and raised, slaughtered and processed according to both of the following:

(a) Laws governing meat and poultry, as determined by the Department or other food regulatory agency that has animal health jurisdiction.

(b) Requirements which are developed by the Department or other food regulatory agency that has animal health jurisdiction, with consideration of factors such as the need for antemortem and postmortem examination by a licensed veterinarian or veterinarian's designee.

B. Wild game animals that are live-caught. Wild game animals that are live-caught may not be received for sale or service unless all of the following apply:

(1) The animal is under a routine inspection program conducted by the Department or other regulatory agency that has animal health jurisdiction.

(2) The animal is slaughtered and processed according to the following:

(a) Laws governing meat and poultry, as determined by the Department or other food regulatory agency that has animal health jurisdiction.

(b) Requirements which are developed by the Department or other food regulatory agency that has animal health jurisdiction, with consideration of factors such as the need for antemortem and postmortem examination by a licensed veterinarian or veterinarian's designee.

C. Field-dressed wild game animals. Field-dressed wild game animals may not be received for sale or service unless under a routine inspection program that ensures that the following occur:

(1) The animals receive a postmortem examination by a licensed veterinarian or veterinarian's designee.

(2) The animals are field-dressed and transported according to requirements specified by the Department or other regulatory agency that has animal health jurisdiction.

(3) The animals are processed according to laws governing meat and poultry as determined by the Department or other regulatory agency that has animal health jurisdiction.

D. Endangered or threatened wildlife. A game animal may not be received for sale or service if it is a species of wildlife that is listed in 50 CFR 17 (relating to endangered and threatened wildlife and plants).

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.361 (relating to cooking raw animal-derived foods); and 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated food).

§ 251-0302.12. Ice.

Ice for use as a food or a cooling medium shall be made from drinking water.

C

Specifications for Receiving, Original Containers and Records

§ 251-0303.01. Receiving temperature of food.

A. Refrigerated potentially hazardous food. Except as specified in §§ 251-0303.03B and 251-0303.04B (relating to receiving shell eggs; and receiving eggs and milk products), refrigerated potentially hazardous food shall be at an internal temperature of 5° C. (41° F.) or below when received.

B. Cooked potentially hazardous food. Potentially hazardous food that is cooked to a temperature and for a time specified in §§ 251-0309.01 through 251-0309.03 (relating to cooking raw animal-derived foods; microwave cooking; and plant food cooking for hot holding) and received hot shall be at an internal temperature of 58° C. (135° F.) or above.

C. Frozen food. A food that is labeled frozen and shipped frozen by a food establishment shall be received frozen.

D. Visible evidence of improper temperature. Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse. This evidence might include dehydration, ice crystals, discoloration or damaged packaging.

§ 251-0303.02. Additives.

Food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR Part 170 through Part 180 (relating to food additives), generally recognized as safe or prior-sanctioned substances that exceed amounts specified in 21 CFR Parts 181 through 186, substances that exceed amounts specified in 9 CFR 424.21 (relating to use of food ingredients and sources of radiation), or pesticide residues that exceed provisions specified in 40 CFR Part 180 (relating to tolerances and exemptions from tolerances for pesticide chemicals).

Cross-references

This section cited in 7 Pa Code § 46.284 (relating to protection from unapproved additives).

§ 251-0303.03. Receiving shell eggs.

A. General. Shell eggs shall be received clean and sound and may not exceed the restricted egg tolerances for PA Consumer Grade B as specified in § 87.41[24] (relating to standards).

B. Temperature. Shell eggs shall be received by a food facility in refrigerated equipment that maintains an ambient temperature of 7° C. (45° F.) or less, or as otherwise specified in Section 3 of the Egg Refrigeration Law (31 P.S. § 300.3).

C. Labeling. Shell eggs received by a food facility shall be labeled as specified in §§ 87.51 and 87.52 (relating to receptacles; and marketing) and include safe handling instructions as specified in 21 CFR 101.17(h) (relating to food labeling warning, notice, and safe handling statements).

D. Repackaging. Cartons of shell eggs not in sound condition, such as those containing cracked eggs, leaking eggs or frozen eggs, shall be removed from retail sale. The food

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24. Editor's Note: See 7 Pa. Code § 87.41.

facility may not rework, repack or transfer shell eggs from their original cartons or containers. Shell eggs may be sold as an incomplete dozen or container provided that the quantity labeling on the carton or container is changed to reflect the actual number of shell eggs within.

Cross-references

This section cited in 7 Pa. Code § 46.241 (relating to receiving temperature of food).

§ 251-0303.04. Receiving eggs and milk products.

A. Liquid, frozen and dry eggs and egg products. Liquid, frozen and dry eggs and egg products shall be obtained pasteurized.

B. Milk and milk products. Milk and milk products shall be obtained pasteurized and received at a temperature of 7° C. (45° F.) or less, or as otherwise permitted under the Milk Sanitation Law.

C. Frozen milk products. Frozen milk products shall be obtained pasteurized or as otherwise permitted under the Milk Sanitation Law.

D. Cheese. Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified and published in the CFR. An example of acceptable alternative standards for curing certain cheese varieties is in 21 CFR 133 (relating to cheeses and related cheese products).

Cross-references

This section cited in 7 Pa. Code § 46.241 (relating to receiving temperature of food).

§ 251-0303.05. Package integrity of food upon receipt.

Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

§ 251-0303.06. Receiving shucked shellfish: packaging and identification.

A. Label requirement. Raw shucked shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies the following:

(1) The name, address and certification number of the shucker-packer or repacker of the molluscan shellfish.

(2) For packages with a capacity of less than 1.87 L (1/2 gallon): the "sell by" or "best if used by" date.

(3) For packages with a capacity of 1.87 L (1/2 gallon) or more: the date shucked.

B. No label or inadequate label. A package of raw shucked shellfish that does not bear a label or which bears a label which does not contain all the information as specified in Subsection A shall be subject to a detention, in accordance with 3 Pa.C.S.A. § 5726 (31 P.S. § 20.6).

Cross-references

This section cited in 7 Pa. Code § 46.249 (relating to molluscan shellfish: original container).

§ 251-0303.07. Shell-stock identification.

A. Harvester's and dealer's source identification tags or labels. Shell-stock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships or reships the shell-stock, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

(1) Contents of harvester's tag or label. A harvester's tag or label shall list the following information, in the following order:

(a) The harvester's identification number as described in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that is assigned by the Department or other shellfish control authority having jurisdiction.

(b) The date of harvesting.

(c) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the Department or other shellfish control authority having jurisdiction, and including the abbreviation of the name of the state or country in which the shellfish are harvested.

(d) The type and quantity of shellfish.

(e) The following statement in bold, capitalized type:

THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS.

(2) Contents of dealer's tag or label. A dealer's tag or label rival list the following information, in the following order:

(a) The dealer's name and address, and the certification number assigned by the Department or other shellfish control authority having jurisdiction.

(b) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested.

(c) The same information as specified for a harvester's tag under Subsection A(1)(b) through (d).

(d) The following statement in bold, capitalized type:

THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS.

B. Missing or incomplete tag or label. A container of shell-stock that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified in Subsection A shall be subject to a detention, in accordance with 3 Pa.C.S.A. § 5726 (31 P.S. § 20.6).

C. Harvester's tag or label shall include dealer information. If a place is provided on the harvester's tag or label for a dealer's name, address and certification number, the dealer's information shall be listed first, notwithstanding Subsection A(1).

D. Exception to requirement of separate dealer's tag or label. If the harvester's tag or label is designed to accommodate each dealer's identification as specified in Subsection A(2)(a) and (b), individual dealer tags or labels need not be provided.

Cross-references

This section cited in 7 Pa. Code § 46.249 (relating to molluscan shellfish: original container).

§ 251-0303.08. Shell-stock: condition upon receipt.

Shell-stock shall be reasonably free of mud, dead shellfish and shellfish with broken shells when received by a food facility. Dead shellfish or shell-stock with badly broken shells shall be discarded.

§ 251-0303.09. Molluscan shellfish: original container.

A. General requirement. Molluscan shellfish may not be removed from the container in which they are received other than immediately before sale or preparation for service. The two exceptions to this requirement are set forth in Subsection A(1) and (2).

(1) Exception: shell-stock. Shell-stock may be removed from the container in which they are received, displayed on drained ice or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if both of the following occur:

(a) The source of the shell-stock on display is identified as specified in § 251-0303.07 (relating to shell-stock identification) and recorded as specified in § 251-0303.10 (relating to shell-stock: maintaining identification).

(b) The shell-stock are protected from contamination.

(2) Exception: shucked shellfish. Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if both of the following apply:

(a) The labeling information for the shellfish on display as specified in § 251-0303.06 (relating to receiving shucked shellfish: packaging and identification) is retained and correlated to the date when, or dates during which, the shellfish are sold or served.

(b) The shellfish are protected from contamination.

§ 251-0303.10. Shell-stock: maintaining identification.[25]

A. General requirement. Shell-stock tags shall remain attached to the container in which the shell-stock are received until the container is empty. The exception to this requirement is set forth in Subsection B(2).

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25. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

B. Records of identification. The identity of the source of shell-stock that are sold or served shall be maintained by retaining shell-stock tags or labels for 90 calendar days from the date the container is emptied by the following methods:

(1) Using an approved recordkeeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shell-stock are sold or served.

(2) When shell-stock are removed from their tagged or labeled container, preserving source identification by using a recordkeeping system as specified in Subsection B(1), and ensuring that shell-stock from one tagged or labeled container are not commingled with shell-stock from another container before being ordered by the consumer.

§ 251-0303.11. Juice.[26]

Prepackaged juice shall be obtained from a processor with an HACCP system as specified in 21 CFR 120 (relating to hazard analysis and critical control point HACCP systems) and be one of the following:

A. Obtained pasteurized or otherwise treated to attain a 5-log reduction (a 99.999% reduction) of the most resistant microorganism of public health significance as specified in 21 CFR 120.24 (relating to process controls).

B. Bear a warning label as specified in 21 CFR 101.17(g) (relating to food labeling warning, notice, and safe handling statements).

26. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

ARTICLE D
Preventing Contamination By Employees

§ 251-0304.01. Preventing contamination from food employees' hands.

A. Hand-washing required. Food employees shall wash their hands as specified in § 46.131[27] (relating to cleanliness of hands and exposed portions of arms).[28]

B. Hand contact with ready-to-eat food. Except when washing fruits and vegetables as specified in § 46.285[29] (relating to washing raw fruits and vegetables) or when approved in accordance with Subsection D, food employees may not contact exposed, ready-to-eat food with their bare hands, and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.[30]

C. Hand contact with food that is not ready-to-eat food. Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

D. Approval of bare hand contact. Food employees may contact ready-to-eat foods with their bare hands if the food facility operator submits a written plan to the Department and the Department provides the food facility operator written approval of the plan. The written plan and related documentation, and the Department's written approval, shall be available at the food facility for use by the person in charge and review by the Department upon request. The written plan shall contain the following:

(1) The reason the person-in-charge of the food facility is unable to comply with Subsection B.

(2) A provision identifying the public health hazards associated with bare hand contact specific to the food facility, demonstrating that these hazards are understood by the food facility operator.

(3) Verification that the food facility has implemented and is in compliance with all applicable supervision, employee health, personal cleanliness and hygienic practices provisions required under § 251-0201.01et seq., (relating to management and personnel).

(4) A provision identifying exposed ready-to-eat foods that will be contacted with bare hands and the procedures and practices which are in place to assure that food employees wash their hands before returning to their work station and that cross-contamination from touching raw foods and ready-to-eat foods is precluded.

(5) An effective training plan for food employees.

(a) The plan shall emphasize the following subjects addressed in this chapter:

[1] Not working when ill.

[2] Good hygienic practices and personal cleanliness.

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27. Editor's Note: See 7 Pa. Code § 46.131.

28. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

29. Editor's Note: See 7 Pa. Code § 46.285.

30. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

[3] Proper hand-washing procedures.

[4] Safe food preparation procedures.

(b) The training plan shall acknowledge management responsibility for training, specify the program content and training frequency (including refresher training).

(6) Documentation demonstrating that Subsection D(5)(a) and (b) are implemented, and are verified by management.

(7) An action plan identifying corrective actions to be taken in situations in which the practices and procedures in the written plan are not complied with.

Cross-references

This section cited in 7 Pa. Code § 46.102 (relating to duties of the person in charge).

§ 251-0304.02. Preventing contamination when tasting.

A food employee may not use a utensil more than once to taste food that is to be sold or served.

E

Preventing Food and Ingredient Contamination

§ 251-0305.01. Preventing contamination of packaged and unpackaged food: separation, packaging and segregation.

A. Required protective measures. Food shall be protected from cross-contamination by the following procedures, as applicable:

(1) Separating raw animal-derived foods during, storage, preparation, holding and display from:

(a) Raw ready-to-eat food including other raw animal-derived food such as fish for sushi or molluscan shellfish, or other raw, ready-to-eat food, such as vegetables.

(b) Cooked ready-to-eat food.

(2) Separating types of raw animal-derived foods (such as beef, fish, lamb, pork and poultry) from each other during storage, preparation, holding and display, except when these raw animal-derived foods are combined as ingredients, by doing the following:

(a) Using separate equipment for each type or arranging each type of food in equipment so that cross-contamination of one type with another is prevented.

(b) Preparing each type of food at different times or in separate areas.

(3) Cleaning equipment and utensils as specified in § 251-0411.02A (relating to frequency of cleaning equipment food-contact surfaces and utensils) and sanitizing as specified in § 251-0412.01C (relating to sanitization: requirement, frequency and methods).

(4) Storing the food in packages, covered containers or wrappings. The exception to this requirement is in Subsection B.

(5) Cleaning hermetically sealed containers of food of visible soil before opening.

(6) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.

(7) Storing damaged, spoiled or recalled food being held in the food facility as specified in § 251-0604.04 (relating to distressed merchandise: segregated).

(8) Separating fruits and vegetables from ready-to-eat food before the fruits and vegetables are washed as specified in § 251-0305.05 (relating to washing raw fruits and vegetables).

B. Exception to the requirement of storing foods in packages, covered containers or wrappings. Subsection A(4) does not apply to the following:

(1) Whole, uncut, raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption.

(2) Primal cuts, quarters or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks.

(3) Whole, uncut, processed meats such as country hams and smoked or cured sausages that are placed on clean, sanitized racks.

(4) Food being cooled as specified in § 251-0310.04D(2) (relating to potentially hazardous food: cooling).

(5) Shell-stock.

§ 251-0305.02. Identification of content on food storage containers.

Working containers holding food or food ingredients (such as cooking oils, flour, herbs, potato flakes; salt, spices and sugar) that are removed from their original packages for use in the food facility shall be identified with the common name of the food they contain. However, containers holding food that can be readily and unmistakably recognized (such as dry pasta) need not be identified.

§ 251-0305.03. Substituting pasteurized eggs for raw shell eggs in certain recipes.

Pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of foods such as Caesar salad, hollandaise or bearnaise sauce, mayonnaise, eggnog, ice cream and egg-fortified beverages that are not either of the following:

A. Cooked as specified in § 251-0309.01A(1) or (2) (relating to cooking raw animal-derived foods).

B. Included in § 251-0309.01D.

§ 251-0305.04. Protection from unapproved additives.

A. Unapproved additives or unsafe levels of approved additives. Food or food ingredients shall be protected from contamination that may result from the addition of unsafe or unapproved food or color additives, and from unsafe or unapproved levels of approved food and color additives, as described in § 251-0303.02 (relating to additives).

B. Sulfiting agents. A food employee may not do the following:

(1) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1, as that term is defined in 21 CFR 101.54(c) (relating to nutrient content claims for "good source," "high," "more," and "high potency").

(2) Serve or sell a food specified in Subsection B(1), other than grapes, that is treated with sulfiting agents before receipt by the food facility.

§ 251-0305.05. Washing raw fruits and vegetables.

A. General. Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served or offered for human consumption in ready-to-eat form.

B. Exception. Whole, raw fruits and vegetables which are intended for washing by the consumer before consumption need not be washed before they are sold.

C. Chemical washing. Fruits and vegetables may be washed by using chemicals as specified in § 251-0702.04B (relating to chemicals: use criteria).

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.261 (relating to preventing contamination from food employees' hands); and 7 Pa. Code § 46.281 (relating to preventing contamination of packaged and unpackaged food: separation, packaging and unpackaging segregation).

§ 251-0305.06. Preventing contamination from ice used as coolant.

A. Ice used as exterior coolant is prohibited as ingredient. Ice may not be used as food after it has been used as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages or cooling coils and tubes of equipment.

B. Storage or display of food in contact with water or ice.

(1) Packaged food. Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping or container or its positioning in the ice or water.

(2) General prohibition. Unpackaged foods other than those described in Subsection B(3) and (4) may not be stored in direct contact with undrained ice.

(3) Certain raw fruits and vegetables. Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.

(4) Raw chicken and raw fish. Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service or sale.

F

Preventing Contamination From Equipment, Utensils and Linens

§ 251-0306.01. Preventing contamination from food contact with equipment and utensils.

Food shall only contact surfaces of equipment and utensils that are cleaned as specified in §§ 251-0411.01through 251-0411.09 (relating to cleaning of equipment and utensils) and sanitized as specified in § 251-0412.01 (relating to sanitization: requirement, frequency and methods).

§ 251-0306.02. In-use utensils and between-use storage.

A. General. During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored in the food with their handles above the top of the food and the container, unless the food is non-potentially hazardous and within containers or equipment that can be closed, such as bins of sugar, flour or cinnamon, in which case the food preparation and dispensing utensils shall be stored with their handles above the top of the food within the containers.

B. Storage on cleaned and sanitized tables or equipment. During pauses in food preparation or dispensing, food preparation and dispensing utensils may be stored on a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the table or equipment are cleaned and sanitized at a frequency specified in §§ 251-0411.02 and 251-0412.01 (relating to frequency of cleaning equipment food-contact surfaces and utensils; and sanitization: requirement, frequency and methods).

C. Storage in running water. During pauses in food preparation or dispensing, food preparation and dispensing utensils may be stored in miming water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes.

D. Storage in clean, protected locations. During pauses in food preparation or dispensing, food preparation and dispensing utensils may be stored in a clean, protected location if the utensils, such as scoops, are used only with a food that is not potentially hazardous.

E. Storage in a container of water. During pauses in food preparation or dispensing, food preparation and dispensing utensils may be stored in a container of water if the water is maintained at a temperature of at least 58° C. (135° F.) and the container is cleaned at frequency specified in § 251-0411.02D(7).

§ 251-0306.03. Linens and napkins: use limitations.

Linens and napkins may not be used in contact with food unless they are used for either of the following purposes:

A. To line a container for the service of foods, where the linens and napkins are replaced each time the container is refilled for a new consumer.

B. For retail display of non-potentially hazardous food, where the linens and napkins are replaced with each restocking of the retail display.

Cross-references

This section cited in 7 Pa. Code § 46.751 (relating to requirement and frequency of laundering).

§ 251-0306.04. Wiping cloths: use limitations.

A. Cloths used for wiping food spills. Cloths that are used for wiping food spills shall be used for no other purpose.

B. Wet and dry wiping cloths. Cloths used for wiping food spills shall be one of the following:

(1) Dry and used for wiping food spills from tableware and carry-out containers.

(2) Wet and cleaned as specified in § 251-0413.01B(4) (relating to requirement and frequency of laundering), stored in a chemical sanitizer at a concentration specified in § 251-0409.04A (relating to ware-washing equipment: mechanical or manual), and used for wiping spills from food-contact and non-food-contact surfaces of equipment.

C. Wiping cloths used with raw animal-derived foods. Dry or wet cloths that are used with raw animal-derived foods shall be kept separate from cloths used for other purposes, and wet cloths used with raw animal-derived foods shall be kept in a separate sanitizing solution.

D. General cleanliness. Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of food debris and visible soil.

§ 251-0306.05. Gloves: use limitations.

A. Single-use gloves. Single-use gloves shall be used for only one task (such as working with ready-to-eat food or with raw animal-derived food), used for no other purpose and discarded when damaged or soiled, or when interruptions occur in the operation.

B. Slash-resistant gloves: general. Except as specified in Subsection C, slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified in §§ 251-0309.01 through 251-0309.06 (relating to destruction of organisms of public health concern), such as frozen food or a primal cut of meat.

C. Slash-resistant gloves: exception. Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove or a single-use glove.

D. Cloth gloves. Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required in §§ 251-0309.01 through 251-0309.06, such as frozen food or a primal cut of meat.

Cross-references

This section cited in 7 Pa. Code § 46.751 (relating to requirement and frequency of laundering).

§ 251-0306.06. Using clean tableware for second portions and refills.

A. General. A food employee may not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills. However, a food employee may refill a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container.

B. Use of soiled tableware by self-service consumers to obtain food from display or serving equipment prohibited. Self-service consumers may not be allowed to use soiled tableware (including single-service articles) to obtain additional food from the display and serving equipment. The sole exception to this prohibition is described in Subsection C.

C. Use of soiled drinking cups by self-service consumers to obtain drinks. Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified in § 251-0405.03A, B and D (relating to dispensing equipment: protection of equipment and food).

Cross-references

This section cited in 7 Pa. Code § 46.102 (relating to duties of the person in charge)

§ 251-0306.07. Refilling returnables.

A. Refilling with potentially hazardous food prohibited. A take-home food container returned to a food facility may not be refilled at a food facility with a potentially hazardous food.

B. Refilling with a cleaned container. Except as specified in Subsection C, a take-home food container refilled with food that is not potentially hazardous shall be cleaned as specified in § 251-0411.09B (relating to washing returnable containers for refilling).

C. Refilling certain containers by a contamination-free process. Personal takeout beverage containers, such as thermally insulated bottles, nonspill coffee cups and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified in § 251-0405.03A and C (relating to dispensing equipment: protection of equipment and food).

Cross-references

This section cited in 7 Pa. Code § 46.719 (relating to washing returnable containers for refilling).

G

Preventing Contamination From the Premises

§ 251-0307.01. Food storage.

A. General storage requirements. Except as specified in Subsections B and C, food shall be protected from contamination by storing as follows:

(1) In a clean, dry location.

(2) Where it is not exposed to splash, dust or other contamination.

(3) At least 15 cm (six inches) above the floor.

B. Exception for food stored on case lot handling equipment. Food in packages and working containers may be stored less than 15 cm (six inches) above the floor on case lot handling equipment as specified in § 251-0405.15 (relating to case lot handling equipment moveability).

C. Exception for particular food containers. Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

D. Foods storage: prohibited areas. Food may not be stored in any of the following locations:

(1) A locker room.

(2) A toilet room.

(3) A dressing room.

(4) A garbage room.

(5) A mechanical room.

(6) Under a sewer line that is not shielded to intercept potential drips.

(7) Under a leaking water line (including a leaking automatic fire sprinkler head), or under a line on which water has condensed.

(8) Under an open stairwell.

(9) Under any other source of contamination, such as peeling paint, unprotected light bulbs, some ventilation units or outside sheds.

Cross-references

This section cited in 7 Pa. Code § 46.384 (relating to potentially hazardous food: cooling).

§ 251-0307.02. Vended potentially hazardous food: original container.

Potentially hazardous food dispensed through a vending machine shall be in the package in which it was placed at the food facility at which it was prepared.

§ 251-0307.03. Food preparation.

During preparation, unpackaged food shall be protected from environmental sources of contamination, such as outside dust, construction or renovation debris, or ventilation dust.

H
Preventing Contamination by Consumers

§ 251-0308.01. Food display.

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer before consumption, food on display shall be protected from contamination by the use of packaging; counter, service line or salad bar food guards; display cases; or other effective means.

§ 251-0308.02. Protection of condiments.

A. General. Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.

B. Condiments at a vending machine location. Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the food facility that provides food to the vending machine location or a properly equipped food facility that is located on the site of the vending machine location.

§ 251-0308.03. Consumer self-service operations.

A. Raw, unpackaged animal-derived foods. Raw, unpackaged animal-derived food (such as beef, lamb, pork, poultry and fish) may not be offered for consumer self-service. This subsection does not apply to consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish; ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or raw, frozen, shell-on shrimp or lobster.

B. Ready-to-eat foods. Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.

C. Monitoring by food employees. Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.

§ 251-0308.04. Returned food and reservice of food.

A. General prohibition of reuse of returned or unused food. Except as specified in Subsection B, after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.

B. Exception for certain foods and packages. A container of food that is not potentially hazardous may be transferred from one consumer to another if either of the following occurs:

(1) The food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce or wine.

(2) The food, such as crackers, salt or pepper, is in an unopened original package and is maintained in sound condition.

I

Destruction of Organisms of Public Health Concern

§ 251-0309.01. Cooking raw animal-derived foods.

A. General cooking requirement. Except as specified in Subsections B through D, raw animal-derived foods (such as eggs, fish, meat, poultry and foods containing these raw animal-derived foods) shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods, based on the food that is being cooked:

(1) Sixty-three degree Celsius (145° F.) or above for 15 seconds for either of the following:

(a) Raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service.

(b) Except as specified in Subsection A(2) and (3), and Subsection B, fish, meat and pork, including game animals commercially raised for food as specified in § 251-0302.11A(relating to game animals).

(2) Sixty-eight degree Celsius (155° F.) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified in § 46.221(a)[31]; and raw eggs that are not broken and prepared in response to a consumer's order and for immediate service:

Minimum Temperature	Minimum Time
63° C. (145° F.)	3 minutes
66° C. (150° F.)	1 minute
70° C. (158° F.)	Less than 1 second (instantaneous)

(3) Seventy-four degree Celsius (165° F.) or above for 15 seconds for poultry, wild game animals as specified in § 46.221(b) and (c),[32] stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites or stuffing containing fish, meat, poultry or ratites.

B. Certain roasts. Whole beef roasts, corned beef roasts, pork roasts and cured pork roasts such as ham, shall be cooked as follows:

(1) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:

Oven Type	Oven Temperature for Roast Weighing Less Than 4.5 kg (10 pounds)	Oven Temperature for Roast Weighing 4.5 kg (10 pounds) or More
Still dry	177° C. (350° F.) or more	121° C. (250° F.) or more
Convection	163° C. (325° F.) or more	121° C. (250° F.) or more

31. Editor's Note: See 7 Pa. Code § 46.221(a).

32. Editor's Note: See 7 Pa. Code § 46.221(b) and (c).

Oven Type	Oven Temperature for Roast Weighing Less Than 4.5 kg (10 pounds)	Oven Temperature for Roast Weighing 4.5 kg (10 pounds) or More
High-humidity cooking	121° C. (250° F.) or more	121° C. (250° F.) or more

(2) As specified in the following chart, to heat all parts of the food to a temperature and for the holding time (including post-oven heat rise) that corresponds to that temperature:

Minimum Temperature	Minimum Time
54.4° C. (130° F.)	112 minutes
55.0° C. (131° F.)	89 minutes
56.1° C. (133° F.)	56 minutes
57.2° C. (135° F.)	36 minutes
58.9° C. (138° F.)	28 minutes
60.0° C. (140° F.)	12 minutes
61.1° C. (142° F.)	8 minutes
62.2° C. (144° F.)	5 minutes
62.8° C. (145° F.)	4 minutes
63.9° C. (147° F.)	134 seconds
65.0° C. (149° F.)	85 seconds
66.1° C. (151° F.)	54 seconds
67.2° C. (153° F.)	34 seconds
68.3° C. (155° F.)	22 seconds
69.4° C. (157° F.)	14 seconds
70.0° C. (158° F.)	< 1 second

C. Raw or undercooked whole-muscle, intact beef steak. A raw or undercooked whole-muscle, intact beef steak may not be served or offered for sale in a ready-to-eat form unless all of the following apply:

(1) The food facility serves a population that is not a highly susceptible population.

(2) The steak is labeled to indicate that it meets the definition of "whole muscle, intact beef" as specified in § 251-0302.04 (relating to whole-muscle, intact beef).

(3) The steak is cooked on both the top and bottom to a surface temperature of 63° C. (145° F.) or above and a cooked color change is achieved on all external surfaces.

D. Other raw animal-derived foods. A raw animal-derived food such as raw egg, raw fish, raw marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or undercooked meat other than whole-muscle, intact beef steaks as specified in Subsection C, shall be served or offered for sale in a ready-to-eat form only if either of the following occurs:

(1) The food facility serves a population that is not a highly susceptible population, and the consumer is informed as specified in § 46.423[33] (relating to consumer advisory required with respect to animal-derived foods that are raw, undercooked or not otherwise processed to eliminate pathogens) that to ensure its safety, the food should be cooked as specified in Subsection A or B.

(2) The Department grants a variance from Subsection A or B as specified in § 251-0801.03A (relating to variances), based on an HACCP plan that is all of the following:

(a) Submitted by the license holder and approved as specified in § 251-0801.03B.

(b) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food.

(c) Verifies that equipment and procedures for food preparation and training of food employees at the food facility meet the conditions of the variance.

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.214 (relating to whole-muscle, intact beef); 7 Pa. Code § 46.218 (relating to fish); 7 Pa. Code § 46.241 (relating to receiving temperature of food); 7 Pa. Code § 46.283 (relating to substituting pasteurized eggs for raw shell eggs in certain recipes); 7 Pa. Code § 46.305 (relating to gloves: use limitations); 7 Pa. Code § 46.365 (relating to reheating food); 7 Pa. Code § 46.383 (relating to potentially hazardous food: thawing); 7 Pa. Code § 46.385 (relating to potentially hazardous food: hot and cold holding); 7 Pa. Code § 46.423 (relating to consumer advisory required with respect to animal-derived foods that are raw, undercooked or not otherwise processed to eliminate pathogens); 7 Pa. Code § 46.461 (relating to additional safeguards for a food facility that serves a highly susceptible population); 7 Pa. Code § 46.712 (relating to frequency of cleaning equipment food-contact surfaces and utensils); and 7 Pa. Code § 46.1122 (relating to HACCP plans).

§ 251-0309.02. Microwave cooking.

Raw animal-derived foods cooked in a microwave oven shall meet all of the following conditions:

A. Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat.

B. Covered to retain surface moisture.

C. Heated to a temperature of at least 74° C. (165° F.) in all parts of the food.

D. Allowed to stand covered for two minutes after cooking to obtain temperature equilibrium.

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.241 (relating to receiving temperature of food); 7 Pa. Code § 46.305 (relating to gloves: use limitations); 7 Pa. Code § 46.365 (relating to reheating food); and 7 Pa. Code § 46.383 (relating to potentially hazardous food: thawing).

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33. Editor's Note: See 7 Pa. Code § 46.423.

§ 251-0309.03. Plant food cooking for hot holding.

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 58° C. (135° F.).

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.241 (relating to receiving temperature of food); and 7 Pa. Code § 46.305 (relating to gloves: use limitations).

§ 251-0309.04. Parasite destruction in fish other than molluscan shellfish by freezing.

A. General temperature requirement. Except as specified in Subsection B, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked or marinated partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of one of the following:

(1) -20° C. (4° F.) or below for 168 hours (seven days) in a freezer.

(2) -35° C. (-31° F.) or below for 15 hours in a blast freezer.

B. Exception for certain tuna species. If the fish are tuna of the species Thunnus alalunga, Thunnus albacares (Yellowfin tuna), Thunnus atlanticus, Thunnus maccoyii (Bluefin tuna, Southern), Thunnus obesus (Bigeye tuna), or Thunnus thynnus (Bluefin tuna, Northern), the fish may be served or sold in a raw, raw-marinated or partially cooked ready-to-eat form without freezing as specified in Subsection A.

C. Records: creation and retention.

(1) Except as specified in Subsection B and Subsection C(2), if raw, raw marinated, partially cooked or marinated partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the food facility for 90 calendar days beyond the time of service or sale of the fish.

(2) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified in Subsection A may substitute for the records specified in Subsection C(1).

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.218 (relating to fish); and 7 Pa. Code § 46.305 (relating to gloves: use limitations).

§ 251-0309.05. Reheating food.

A. Preparation for immediate service. Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

B. Reheating for hot holding.

(1) Potentially hazardous food that is cooked, cooled and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least 74° C. (165° F.) for

15 seconds. Reheating for hot holding shall be done rapidly and the time the food is between the temperature specified in § 251-0310.05A(2) or (3) (relating to potentially hazardous food: hot and cold holding) and 74° C. (165° F.) may not exceed two hours. Exceptions to these requirements are specified in Subsection B(2) through (4).

(2) Except as specified in Subsection A(3), reheating of potentially hazardous food in a microwave oven for hot holding shall be performed in accordance with § 251-0309.02 (relating to microwave cooking).

(3) Ready-to-eat food taken from a commercially processed, hermetically sealed container or from an intact package from a food establishment that is inspected by the Department or other food regulatory agency that has jurisdiction over the food processing plant shall be heated to a temperature of at least 58° C. (135° F.) for hot holding.

(4) Remaining unsliced portions of roasts that are cooked as specified in § 251-0308.01B (relating to cooking raw animal-derived foods) shall be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified in § 251-0309.01B.

Cross-references

This section cited in 7 Pa. Code § 46.305 (relating to gloves: use limitations); and 7 Pa. Code § 46.385 (relating to potentially hazardous food: hot and cold holding).

§ 251-0309.06. Treating juice.

Juice packaged in a food facility shall be one of the following:

A. Treated under an HACCP plan (as described in § 251-0802.02B (relating to HACCP plans) to attain a five-log reduction (a 99.999% reduction) of the most resistant microorganism of public health significance.

B. If not treated to yield a five-log reduction of the most resistant microorganism of public health concern, labeled as specified § 251-0312.02 (relating to labeling) and as specified in 21 CFR 101.17(g) (relating to food labeling warning, notice, and safe handling statements) with the following:

"Warning: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."

Cross-references

This section cited in 7 Pa. Code § 46.305 (relating to gloves: use limitations).

J

Temperature and Time Control for Limitation of Growth of Organisms of Public Health Concern

§ 251-0310.01. Stored frozen food.

Stored frozen foods shall be maintained frozen.

§ 251-0310.02. Potentially hazardous food: slacking.

Frozen potentially hazardous food that is slacked to moderate the temperature shall be held at one of the following:

A. Under refrigeration that maintains the food temperature at 5° C. (41° F.) or less, or at 7° C. (45° F.) or less as specified in § 251-0310.05A(3) (relating to potentially hazardous food: hot and cold holding).

B. At any temperature if the food remains frozen.

§ 251-0310.03. Potentially hazardous food: thawing.

Except as specified in Subsection D, potentially hazardous food shell be thawed by one of the procedures that follow:

A. Under refrigeration that maintains the food temperature at 5° C. (41° F.) or less, or at 7° C. (45° F.) or less as specified in § 251-0310.05A(3) (relating to potentially hazardous food: hot and cold holding).

B. Completely submerged under running water at a water temperature of 21° C. (70° F.) or below; with sufficient water velocity to agitate and float off loose particles in an overflow, for one of the following:

(1) A period of time that does not allow thawed portions of ready-to-eat food to rise above 5° C. (41° F.), or 7° C. (45° F.) as specified in § 251-0310.05A(3).

(2) A period of time that does not allow thawed portions of a raw animal-derived food requiring cooking as specified in § 251-0309.01A or B (relating to cooking raw animal-derived foods) to be above 5° C. (41° F.), or 7° C. (45° F.) as specified in § 251-0310.05A(3) for more than four hours including both of the following:

(a) The time the food is exposed to the running water and the time needed for preparation for cooking.

(b) The time it takes under refrigeration to lower the food temperature to 5° C. (41° F.); or 7° C. (45° F.) as specified in § 251-0310.05A(3).

C. As part of a cooling process if the food that is frozen is one of the following:

(1) Cooked as specified in § 251-0309.01A or B or § 251-0309.02 (relating to microwave cooking).

(2) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process.

D. Using any procedure, if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

§ 251-0310.04. Potentially hazardous food: cooling.

A. Cooling cooked potentially hazardous food. Cooked potentially hazardous food shall be cooled as follows:

(1) Within two hours, from 58° C. (135° F.) to 21° C. (70° F.).

(2) Within six hours, from 58° C. (135° F.) to 5° C. (41° F.) or less, or to 7° C. (45° F.) as specified in § 251-0310.05A(3) (relating to potentially hazardous food: hot and cold holding).

B. Cooling potentially hazardous food prepared from ingredients at ambient temperature. Potentially hazardous food shall be cooled within four hours to 5° C. (41° F.) or less, or to 7° C. (45° F.) as specified in § 251-0310.05A(3) if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

C. Cooling methods. Cooling shall be accomplished in accordance with the time and temperature criteria specified in Subsection A by using one or more of the following methods, based on the type of food being cooled:

(1) Placing the food in shallow pans.

(2) Separating the food into smaller or thinner portions.

(3) Using rapid-cooling equipment.

(4) Stirring the food in a container placed in an ice water bath.

(5) Using containers that facilitate heat transfer.

(6) Adding ice as an ingredient.

(7) Other effective methods.

D. Food containers in which food is cooled. When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be both of the following:

(1) Arranged in the equipment to provide maximum heat transfer through the container walls.

(2) Loosely covered, or uncovered if protected from overhead contamination as specified in § 251-0307.01A(2) (relating to food storage), during the cooling period to facilitate heat transfer from the surface of the food.

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.281 (relating to preventing contamination of packaged and unpackaged food: separation, packaging and segregation); and 7 Pa. Code § 46.385 (relating to potentially hazardous food: hot and cold holding).

§ 251-0310.05. Potentially hazardous food: hot and cold holding.

A. General. Except during preparation, cooking or cooling, or when time is used as the public health control as specified in Subsection C, potentially hazardous food shall be maintained at one of the following temperatures, as applicable:

(1) At 58° C. (135° F.) or above, except that roasts cooked to a temperature and for a time specified in § 251-0309.01B (relating to cooking raw animal-derived foods) or reheated as specified in § 251-0309.05B (relating to reheating food) may be held at a temperature of 54° C. (130° F.) or above.

(2) At 5° C. (41° F.) or less except as specified in Subsection A(3) through (5), or § 251-0405.04B (relating to vending machines).

(3) At 7° C. (45° F.) or between 7° C. (45° F.) and 5° C. (41° F.) in existing refrigeration equipment that is not capable of maintaining the food at 5° C. (41° F.) or less if either of the following is accurate:

(a) The equipment is in place and in use in the food facility; and by December 13, 2008, the equipment is upgraded or replaced so that it shall maintain food at a temperature of 5° C. (41° F.) or less.

(b) A food facility operator can demonstrate to the Department that a hardship would result from meeting the requirements of this subsection and a variance is applied for and granted by the Department. The variance will not relieve the applicant from meeting the food safety objectives of this chapter.

(4) At 7° C. (45° F.) or less for shell eggs, or as otherwise specified in Section 3 of the Egg Refrigeration Law (31 P.S. § 300.3).

(5) At 7° C. (45° F.) or less for milk products, for a maximum period allowed by the "sell-by" coding required by § 7 Pa. Code § 59a.15 (relating to milk dating), or as otherwise specified in the Milk Sanitation Law.[34]

B. Date marking of ready-to-eat, potentially hazardous food.

(1) Except as specified in Subsection B(4) or (5), refrigerated, ready-to-eat, potentially hazardous food prepared and held in a food facility for more than 48 hours shall be clearly marked to indicate either of the following:

(a) The date by which the food shall be consumed on the premises, sold or discarded.

(b) The date on which the food was prepared.

(2) Refrigerated ready-to-eat potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked with the date the original container is opened in a food facility. Except as specified in Subsection B(4) and (5), all food repackaged from the original container by the food facility shall be clearly marked to indicate the date by which the food shall be consumed on the premises, sold or discarded, and in no case may this date be beyond the manufacturer's use-by date.

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34. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(3) A refrigerated, ready-to-eat, potentially hazardous food that is frequently rewrapped (such as lunch meat or a roast), or for which date marking is impractical (such as soft serve mix or milk in a dispensing machine), shall be marked as in Subsection B(1) or (2), or by an alternative method acceptable to the Department.

(4) Subsection B(1) and (2) do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

(5) Subsection B(2) does not apply to the following:

(a) Fermented sausages produced in a federally inspected food processing plant that are not labeled "keep refrigerated" and which retain the original casing on the product.

(b) Shelf stable, dry fermented sausages.

(c) Shelf stable salt-cured products such as prosciutto and parma (ham) produced in a federally inspected food processing plant that are not labeled "keep refrigerated," provided that when the face is cut, the remaining portion is whole and intact.

(6) A refrigerated, ready-to-eat, potentially hazardous food ingredient or a portion of a refrigerated, ready-to-eat, potentially hazardous food is subsequently combined with additional ingredients or portions of food, shall retain the date marking of the earliest-prepared or first-prepared ingredient.

C. Time as a public health control.

(1) Except as specified in Subsection C(2), if time, rather than temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, all of the following shall be done:

(a) The food shall be marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control.

(b) The food shall be cooked and served, served if ready-to-eat, or discarded, within four hours from the point in time when the food is removed from temperature control.

(c) The food in unmarked containers or packages or marked to exceed a four-hour limit shall be discarded.

(d) Written procedures shall be maintained in the food facility and made available to the Department upon request, that ensure compliance with this subsection and § 251-0310.04A and B (relating to potentially hazardous food: cooling) for food that is prepared, cooked and refrigerated before time is used as a public health control.

(2) In a food facility that serves a highly susceptible population, time only, rather than temperature, may not be used as the public health control for raw eggs.

Cross-references

This section cited in 7 Pa. Code § 46.365 (relating to reheating food); 7 Pa. Code § 46.382 (relating to potentially hazardous food: slacking); 7 Pa. Code § 46.383 (relating to potentially hazardous food: thawing); 7 Pa. Code § 46.384 (relating to potentially hazardous food: cooling); 7 Pa. Code § 46.441 (relating to discarding or reconditioning unsafe, adulterated or contaminated); 7 Pa. Code § 46.584 (relating to vending machines); and 7 Pa. Code § 46.1114 (relating to conditions of retention, responsibilities of the food facility operator).

K
Specialized Processing Methods

§ 251-0311.01. Variance requirement for specialized processing methods.

A food facility shall obtain a variance from the Department as specified in § 251-0801.03A and B (relating to variances) before using any specialized processing method not currently recognized by the Department as a safe method for processing food.

Cross-references

This section cited in 7 Pa. Code § 46.402 (relating to reduced oxygen packaging); and 7 Pa. Code § 46.1122 (relating to HACCP plans).

§ 251-0311.02. Reduced oxygen packaging.

A. General requirement. A food facility that packages food using a reduced oxygen packaging method, where Clostridium botulinum is identified as a microbiological hazard in the final packaged form of the food, shall ensure that there are at least two barriers in place to control the growth and toxin formation of Clostridium botulinum. This requirement does not apply to a food facility that has obtained a variance under § 251-0311.01 (relating to variance requirement for specialized processing methods).

B. HACCP plan requirement. A food facility that packages food using a reduced-oxygen packaging method, where Clostridium botulinum is identified as a microbiological hazard in the final packaged form of the food, shall have an HACCP plan that contains the information specified in § 251-0802.02B(4) (relating to HACCP plans) and that does all of the following:

(1) Identifies the food to be packaged.

(2) Limits the food packaged to a food that does not support the growth of Clostridium botulinum because it complies with one of the following:

(a) Has an aw of 0.91 or less.

(b) Has a pH of 4.6 or less.

(c) Is a meat or poultry product cured at a food establishment regulated by USDA using substances specified in 9 CFR 424.21 (relating to use of food ingredients and sources of radiation), and is received in an intact package.

(d) Is a food with a high level of competing organisms, such as raw meat or raw poultry.

(3) Specifies methods for maintaining food at 5° C. (41° F.) or below.

(4) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to do the following:

(a) Maintain the food at 5° C. (41° F.) or below.

(b) For food held at refrigeration temperatures, discard the food within 14 calendar days of its packaging if it is not served for on-premises consumption, or it is not consumed if served or sold for off-premises consumption.

(5) Limits the refrigerated shelf life to no more than 14 calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first.

(6) Includes operational procedures that do all of the following:

(a) Prohibit contacting food with bare hands.

(b) Identify a designated area and the method by which physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross-contamination, and access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation.

(c) Cleaning and sanitization procedures for food-contact surfaces are delineated.

(7) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands concepts required for a safe operation, the equipment and facilities, and the procedures specified in Subsection B(6) and § 251-0802.02B(4).

C. Special limitation with respect to certain fish. Except for fish that is frozen before, during and after packaging, a food facility may not package fish using a reduced oxygen packaging method.

Cross-references

This section cited in 7 Pa. Code § 46.1122 (relating to HACCP plans).

L

Food Identity, Presentation and On-Premises Labeling

§ 251-0312.01. Accurate representation.

A. Standards of identity. Packaged food shall comply with standard of identity requirements in the following:

(1) 3 Pa.C.S.A. §§ 5729 and 5733(f).

(2) Definitions in 21 CFR Parts 131 through 169 and 9 CFR 319 (relating to definitions and standards of identity or composition).

(3) 21 CFR Part 130 (relating to food standards; general).

(4) 9 CFR Part 319, Subpart A (relating to general).

B. Food shall be honestly presented.

(1) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

(2) Food or color additives, colored overwraps or lights may not be used to misrepresent the true appearance, color or quality of a food.

Cross-references

This section cited in 7 Pa. Code § 46.201 (relating to food shall be safe, unadulterated and honestly presented).

§ 251-0312.02. Labeling.

A. Labels required on packaged foods. Food packaged in a food facility shall be labeled as specified in 3 Pa.C.S.A. §§ 5729, 5730 and 5733(f), 21 CFR Part 101 (relating to food labeling), 9 CFR 317 (relating to labeling, marking devices, and containers) and 9 CFR Part 381, Subpart N (relating to labeling and containers).

B. Label information on packaged foods. Label information on packaged foods shall include the following:

(1) The common name of the food, or absent a common name, an adequately descriptive identity statement.

(2) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food.

(3) An accurate declaration of the quantity of contents.

(4) The name and place of business of the manufacturer, packer or distributor.

(5) Except as exempted in Section 403(q)(3)-(5) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C.A. § 343(q)(3)-(5)], nutritional labeling as specified in 21 CFR Part 101 (relating to food labeling) and 9 CFR Part 317, Subpart B (relating to nutrition labeling).

(6) Disclosure of the use of canthaxanthin for any salmonid fish containing canthaxanthin as a color additive, by the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card.

C. Labeling information on bulk foods available for consumer self-dispensing or on unpackaged foods portioned to consumer specifications. Bulk food that is available for consumer self-dispensing or unpackaged foods portioned to consumer specifications shall be prominently labeled with one of the following in plain view of the consumer:

(1) The manufacturer's or processor's label that was provided with the food.

(2) A card, sign or other method of notification (such as a product labeling book) that includes the information specified in Subsection B(1), (2) and (5).

D. Labeling information on certain bakery products. Bakery products need not be labeled if they are sold directly to the consumer and the following are accurate:

(1) The food is either manufactured or prepared on the premises of the food facility or at another food facility that is owned by the same person and is regulated by the Department or other food regulatory agency that has jurisdiction.

(2) The information specified in Subsection B(1), (2) and (5) is available at the place of sale.

(3) A health, nutrient content or other claim is not made.

E. Concealed or altered labeling information. Food facility or manufacturers' dating information on foods may not be concealed or altered.

Cross-references

This section cited in 7 Pa. Code § 46.213 (relating to packaged food); and 7 Pa. Code § 46.366 (relating to treating juice).

§ 251-0312.03. Consumer advisory required with respect to animal-derived foods that are raw, undercooked or not otherwise processed to eliminate pathogens.

Except as specified in §§ 251-0309.01C and D(3) and 251-0314.01 (relating to cooking raw animal-derived foods; and additional safeguards for a food facility that serves a highly susceptible population), if an animal-derived food such as beef, eggs, fish, lamb, milk, pork, poultry or shellfish that is raw, undercooked or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended or other item; or as a raw ingredient in another ready-to-eat food, the food facility shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards or other effective written means of the significantly increased risk associated with certain highly susceptible populations eating these foods in raw or undercooked form.

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.102 (relating to duties of the person in charge); 7 Pa. Code § 46.361 (relating to cooking raw animal-derived foods); and 7 Pa. Code § 46.1121 (relating to facility and operating plans).

M

Unsafe, Adulterated or Contaminated Food

§ 251-0313.01. Discarding or reconditioning unsafe, adulterated or contaminated food.

The following foods shall be discarded:

A. A food that is unsafe, adulterated or not honestly presented as specified in § 251-0301.01 (relating to food shall be safe, unadulterated and honestly presented), unless the food is reconditioned according to a procedure approved by the Department.

B. Food that is not from an approved source as specified in §§ 251-0302.01 through 251-0302.11.

C. Ready-to-eat food that may have been contaminated by an employee that has been restricted or excluded as specified in § 251-0202.03 (relating to duty to impose exclusions and restrictions).

D. Food that is contaminated by food employees, consumers or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means.

E. A food specified in § 251-0310.05B(1) and (2) (relating to potentially hazardous food: hot and cold holding), if any of the following occur:

(1) The food exceeds the temperature specified in § 251-0310.05A for more than four hours or for an undetermined amount of time.

(2) The food is in a container or package that does not bear a date or day.

F. Refrigerated, ready-to-eat, potentially hazardous food prepared in a food facility and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds a temperature as specified in § 251-0310.05.

N

Special Requirements for Highly Susceptible Populations

§ 251-0314.01. Additional safeguards for a food facility that serves a highly susceptible population.

A. Prepackaged juice bearing a warning label prohibited. In a food facility that serves a highly susceptible population, prepackaged juice or a prepackaged beverage containing juice that bears a warning label as specified in 21 CFR 101.17(g) (relating to food labeling warning, notice, and safe handling statements), may not be served or offered for sale.

B. Unpackaged juice prepared on the premises. In a food facility that serves a highly susceptible population, unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under an HACCP plan that contains the information specified in § 251-0802.02 (relating to HACCP plans) and as specified in 21 CFR 120.24 (relating to process controls).

C. Pasteurized eggs required in certain foods. In a food facility that serves a highly susceptible population, pasteurized shell eggs or pasteurized liquid, frozen or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of the following:

(1) Foods such as Caesar salad, hollandaise or bearnaise sauce, mayonnaise, egg nog, ice cream and egg-fortified beverages.

(2) Except as specified in Subsection E, recipes in which more than one egg is broken and the eggs are combined.

D. Prohibited ready-to-eat foods. In a food facility that serves a highly susceptible population, the following foods may not be served or offered for sale in a ready-to-eat form:

(1) Raw animal-derived foods such as raw fish, raw-marinated fish, raw molluscan shellfish and steak tartare.

(2) A partially cooked animal-derived food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw shell eggs and meringue.

(3) Raw seed sprouts.

E. Limited exception allowing use of raw eggs. In a food facility that serves a highly susceptible population, Subsection C(2) does not apply in any of the following circumstances:

(1) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified in § 251-0309.01A(1) (relating to cooking raw animal-derived foods), and served immediately, such as an omelet, souffle or scrambled eggs.

(2) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin or bread.

(3) The preparation of the food is conducted under an HACCP plan that accomplishes the following:

(a) Identifies the food to be prepared.

(b) Prohibits contacting ready-to-eat food with bare hands.

(c) Includes specifications and practices that ensure the following:

[1] Salmonella enteritidis growth is controlled before and after cooking.

[2] Salmonella enteritidis is destroyed by cooking the eggs according to the temperature and time specified in § 251-0309.01A(2).

(d) Contains the information specified in § 251-0802.02, including procedures that accomplish the following:

[1] Control cross contamination of ready-to-eat food with raw eggs.

[2] Delineate cleaning and sanitization procedures for food-contact surfaces.

(e) Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

Cross-references

This section cited in 7 Pa. Code § 46.423 (relating to consumer advisory required with respect to animal-derived foods that are raw, undercooked or not otherwise processed to eliminate pathogens).

Part 4
Equipment, Utensils And Linens General Standard

A
General Standard

§ 251-0401.01. Acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program.

Food equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program shall be deemed to comply with the applicable provisions of §§ 251-0402.01 through 251-0402.03, 251-0403.01 through 251-0403.04, 251-0404.01 through 251-0404.03 and 251-0405.01 through 251-0405.15.

B

Materials for Use in Construction and Repair

§ 251-0402.01. Materials in multiuse utensils and food-contact surfaces.

A. Required characteristics. Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors or tastes to food. Under normal use conditions, these materials shall be all of the following:

(1) Safe.

(2) Durable, corrosion-resistant and nonabsorbent.

(3) Sufficient in weight and thickness to withstand repeated ware-washing.

(4) Finished to have a smooth, easily cleanable surface.

(5) Resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition.

B. Cast iron: use limitation. Except as specified in Subsection B(1) and (2), cast iron may not be used for utensils or food-contact surfaces of equipment.

(1) Cast iron may be used as a surface for cooking.

(2) Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

C. Lead in ceramic, china and crystal utensils: use limitation. Ceramic, china, crystal utensils and decorative utensils (such as hand-painted ceramic or china) that are used in contact with food shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

Utensil Category	Description	Maximum Lead [mg/L (ppm)]
Hot beverage mugs	Coffee mugs	0.5
Large hollowware	Bowls >= 1.1 liter (1.16 quart)	1.0
Small hollowware	Bowls < 1.1 liter (1.16 quart)	2.0
Flat utensils	Plates, saucers	3.0

D. Copper: use limitation.

(1) Except as specified in Subsection B(2), copper and copper alloys (such as brass) may not be used in contact with a food that has a pH below six (such as vinegar, fruit juice or wine) or for a fitting or tubing installed between a backflow prevention device and a carbonator.

(2) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below six in the prefermentation and fermentation steps of a beer brewing operation, such as a brewpub or microbrewery.

E. Galvanized metal: use limitation. Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.

F. Sponges: use limitation. Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

G. Lead in pewter alloys: use limitation. Pewter alloys containing lead in excess of 0.05% may not be used as a food-contact surface.

H. Lead in solder and flux; use limitation. Solder and flux containing lead in excess of 0.2% may not be used as a food-contact surface.

I. Wood: use limitation. Except as specified in Subsection I(1) through (3), wood and wood wicker may not be used as a food-contact surface.

(1) Hard maple or an equivalently hard, close-grained wood may be used for the following:

(a) Cutting boards; cutting blocks; bakers' tables; and utensils such as rolling pins, doughnut dowels, salad bowls, pizza peels and chopsticks.

(b) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 110° C. (230° F.) or above.

(2) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables or nuts are used.

(3) If the nature of the food requires removal of rinds, peels, husks or shells before consumption, the whole, uncut, raw food may be kept in the following:

(a) Untreated wood containers.

(b) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800 (relating to preservatives for wood).

J. Nonstick coatings use limitation. Multiuse kitchenware (such as frying pans, griddles, sauce pans, cookie sheets and waffle bakers) that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching utensils and cleaning aids.

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0402.02. Materials for surfaces that are non-food-contact surfaces.

Surfaces of equipment that are nonfood-contact surfaces, but are exposed to splash, spillage or other food soiling or that require frequent cleaning, shall be constructed of a corrosion-resistant, nonabsorbent and smooth material.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); and 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment).

§ 251-0402.03. Single-service and single-use articles: required characteristics.

Materials that are used to make single-service and single-use articles shall be safe and clean, and may not allow the migration of deleterious substances, or impart colors, odors or tastes to food.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

C
Design and Construction

§ 251-0403.01. Durability and strength.

A. Equipment and utensils. Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

B. Food temperature-measuring devices. Food temperature-measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating (such as candy thermometers) may be used.

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0403.02. Cleanability of multiuse food-contact surfaces and CIP equipment.

A. Multiuse food-contact surfaces. Multiuse food-contact surfaces shall be all of the following:

(1) Smooth.

(2) Free of breaks, open seams, cracks, chips, inclusions, pits and similar imperfections.

(3) Free of sharp internal angles, corners and crevices.

(4) Finished to have smooth welds and joints.

(5) Except as specified in Subsection B, accessible for cleaning and inspection by one of the following methods:

(a) Without being disassembled.

(b) By disassembling without the use of tools.

(c) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel (such as screwdrivers, pliers, open-end wrenches and Allen wrenches).

B. Exception. Subsection A(5) does not apply to cooking oil storage tanks, distribution lines for cooking oils or beverage syrup lines or tubes.

C. CIP equipment. CIP equipment shall meet the characteristics specified in Subsection A and shall be designed and constructed so that the following are accurate:

(1) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces.

(2) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions.

(3) If the CT equipment is not designed for disassembly during cleaning, it is designed with inspection access points to ensure that all interior food contact surfaces throughout the fixed system are being effectively cleaned.

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.544 (relating to cleanability of hot oil filtering equipment, can openers, nonfood-contact surfaces, kick plates and ventilation hood systems); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0403.03. "V" threads: use limitation.

Except for hot oil cooking or filtering equipment, "V" type threads may not be used on food-contact surfaces.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0403.04. Cleanability of hot oil filtering equipment, can openers, non-food-contact surfaces, kick plates and ventilation hood systems.

A. Hot oil filtering equipment. Hot oil filtering equipment shall meet the characteristics specified in § 46.542[35] (relating to cleanabilty of multiuse food-contact surfaces and CIP equipment), as applicable, and shall be readily accessible for filter replacement and cleaning of the filter.

B. Can openers. Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

C. Non-food-contact surfaces. Non-food-contact surfaces shall be free of unnecessary ledges, projections and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

D. Kick plates, removable. Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being both of the following:

(1) Removable by one of the methods specified in § 46.542(a)(5)[36] or capable of being rotated open.

(2) Removable or capable of being rotated open without unlocking equipment doors.

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35. Editor's Note: See 7 Pa. Code § 46.542.

36. Editor's Note: See 7 Pa. Code § 46.542(a)(5).

E. Ventilation hood systems and filters. Filters or other grease-extracting equipment if not designed to be cleaned in place, shall be designed to be readily removable for cleaning and replacement.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

D
Accuracy

§ 251-0404.01. Accuracy of temperature-measuring devices for food.

A. Accuracy range for Celsius-scaled or Celsius/Fahrenheit-scaled devices. Food temperature-measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to ±1° C. in the intended range of use.

B. Accuracy for Fahrenheit-scaled devices. Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to ±2° F. in the intended range of use.

Cross-references

This section cited in 7 Pa. Code § 46.102 (relating to duties of the person in charge); 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0404.02. Accuracy of temperature measuring devices for ambient air and water.

A. Accuracy range for Celsius-scaled or Celsius/Fahrenheit-scaled devices. Ambient air and water temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to ±1.5° C. in the intended range of use.

B. Accuracy for Fahrenheit-scaled devices. Ambient air and water temperature measuring devices that are scaled only in Fahrenheit shall be accurate to ±3° F. in the intended range of use.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0404.03. Accuracy of pressure-measuring devices on mechanical ware-washing equipment.

Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse on mechanical ware-washing equipment shall have increments of seven kilopascals (one pound per square inch) or smaller, and shall be accurate to ±14 kilopascals (±2 pounds per square inch) in the 100- to 170-kilopascal (15 to 25 pounds per square inch) range.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (minting to utensils and temperature and pressure measuring devices: repair and calibration).

E
Functionality

§ 251-0405.01. Ventilation hood systems, drip prevention.

Exhaust ventilation hood systems in food preparation and ware-washing areas (including components such as hoods, fans, guards and ducting) shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens and single-service and single-use articles.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.02. Equipment openings, closures and deflectors.

A. Overlap and slope of covers. A cover or lid for equipment shall overlap the opening and be sloped to drain.

B. Flange requirement. An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least five millimeters (2/10 of an inch).

C. Watertight joint. Except as specified in Subsection D, fixed piping, temperature-measuring devices, rotary shafts and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment.

D. Alternative to watertight joint. If a watertight joint is not provided, the piping, temperature measuring devices, rotary shafts and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips and dust from openings into the food. The openings shall be flanged as specified in Subsection B.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.03. Dispensing equipment: protection of equipment and food.

In equipment that dispenses or vends liquid food or ice in unpackaged form, the following shall occur:

A. The delivery tube, chute orifice and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with bathers, baffles or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food.

B. The delivery tube, chute and orifice shall be protected from manual contact such as by being recessed.

C. The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents and other contamination by a self-closing door if the equipment is either of the following:

(1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents and other contaminants that are present in the environment.

(2) Available for self-service during hours when it is not under the full-time supervision of a food employee.

D. The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

Cross-references

This section cited in 7 Pa. Code § 46.307 (relating to refilling returnables); 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.04. Vending machines.

A. Vending stage closure. The dispensing compartment of a vending machine-including a machine that is designed to vend prepackaged snack food that is not potentially hazardous (such as chips, party mixes and pretzels) shall be equipped with a self-closing door or cover if the machine is either of the following:

(1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents and other contaminants that are present in the environment.

(2) Available for self-service during hours when it is not under the full supervision of a food employee.

B. Automatic shutoff.

(1) A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food under either of the following circumstances:

(a) If there is a power failure, mechanical failure or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified in § 251-0301.01 et seq., (relating to food).

(b) If a condition specified in Subsection A occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified in § 251-0301.01 et seq.

(2) When the automatic shutoff within a refrigerated vending machine dispensing potentially hazardous food is activated, the ambient temperature may not exceed 5° C. (41° F.) or 7° C. (45° F.) as specified in § 251-0310.05A(3) (relating to potentially hazardous food: hot and cold holding) for more than 30 minutes immediately after the machine is filled, serviced or restocked.

(3) When the automatic shutoff within a hot holding vending machine dispensing potentially hazardous food is activated, the ambient temperature may not be less than 58° C. (135° F.) for more than 120 minutes immediately after the machine is filled, serviced or restocked.

C. Can openers. Cutting or piercing parts of can openers on vending machines shall be protected from manual contact, dust, insects, rodents and other contamination.

D. Vending machines that dispense liquids in paper containers. Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

E. Vending machines that dispense liquid food in bulk. Vending machines that dispense liquid food in bulk shall be both of the following:

(1) Provided with an internally mounted waste receptacle for the collection of drip, spillage, overflow or other internal wastes.

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

F. Requirements for a liquid shutoff device. Shutoff devices described in Subsection E(2) shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

G. Doors and openings.

(1) Vending machine doors and access opening covers to food and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than 15 millimeters or 1/16 inch by one or more of the following:

(a) Being covered with louvers, screens or materials that provide an equivalent opening of not greater than 15 millimeters or 1/16 inch. Screening of 12 mesh or more to 2.5 centimeters (12 mesh to one inch) meets this requirement.

(b) Being effectively gasketed.

(c) Having interface surfaces that are at least 13 millimeters or 1/2 inch wide.

(d) Jambs or surfaces used to form an L-shaped entry path to the interface.

(2) Vending machine service connection openings through an exterior wall of the machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than 1.5 millimeters or 1/16 inch.

Cross-references

This section cited in 7 Pa. Code § 46.385 (relating to potentially hazardous food: hot and cold holding); 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.05. Bearings and gear boxes: leakproof.

Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto food-contact surfaces.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.06. Beverage tubing: separation.

Beverage tubing and cold-plate beverage cooling devices may not be installed in contact with stored ice. This section does not apply to cold plates that are constructed integrally with an ice storage bin.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.07. Ice units: separation of drains.

Liquid waste drain lines may not pass through an ice machine or ice storage bin.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.08. Condenser unit: separation.

If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

Cross-references

This section cited in 7 Pa Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.09. Molluscan shellfish tanks.

A. General. Except as specified in Subsection B, molluscan shellfish life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.

B. Exception. Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with the following:

(1) A variance granted by the Department in accordance with the procedure described in § 251-0801.03A (relating to variances).

(2) An HACCP plan that is submitted by the food facility operator and approved as specified in § 251-0801.03B, ensuring the following:

(a) Water used with fish other than molluscan shellfish does not flow into the molluscan tank.

(b) The safety and quality of the shellfish as they were received are not compromised by the use of the tank.

(c) The identity of the source of the shell-stock is retained as specified in § 251-0303.10 (relating to shell-stock: maintaining identification).

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration); and 7 Pa. Code § 46.1122 (relating to HACCP plans).

§ 251-0405.10. Temperature-measuring devices.

A. Location of device in storage unit. In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

B. General device requirement. Except as specified in Subsection C, cold or hot holding equipment used for potentially hazardous food shall be designed to include and shall be equipped with at least one integral or permanently affixed temperature-measuring device that is located to allow easy viewing of the device's temperature display.

C. Exception to device requirement. Subsection B does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type and use of the equipment, such as calrod units, heat lamps, cold plates, bain-maries, steam tables, insulated food transport containers and salad bars.

D. Easily readable. Temperature-measuring devices shall be designed to be easily readable.

E. Devices on ware-washing machines. Food temperature-measuring devices and water temperature-measuring devices on ware-washing machines shall have a numerical scale, printed record or digital readout in increments no greater than 1° C. or 2° F. in the intended range of use.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program), 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.11. Ware-washing machines.

A. Data plate summarizing operating specifications. A ware-washing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications, including the following:

(1) Temperatures required for washing, rinsing and sanitizing.

(2) Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse.

(3) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

B. Internal baffles. Ware-washing machine wash and rinse tanks shall be equipped with baffles, curtains or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

C. Temperature measuring devices. A ware-washing machine shall be equipped with a temperature-measuring device that indicates the temperature in the following locations or instances:

(1) In each wash and rinse tank.

(2) As the water enters the hot water-sanitizing final rinse manifold or in the chemical sanitizing solution tank.

D. Detergent and sanitizer level indicator. A ware-washing machine that is installed after December 13, 2003, shall be designed and equipped to automatically dispense detergents and sanitizers and incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.

E. Flow pressure device. Ware-washing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device such as a transducer that measures and displays the water pressure in the supply line immediately before entering the ware-washing machine. If the flow pressure-measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a 6.4 millimeter or 1/4 inch iron pipe size valve. This subsection does not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.12. Manual ware-washing machines.

If hot water is used for sanitization in manual ware-washing operations, the sanitizing compartment of the sink shall comply with the following:

A. Be designed with an integral heating device that is capable of maintaining water at a temperature not less than 77° C. (171° F.).

B. Be provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration); and 7 Pa. Code § 46.774 (relating to storing clean items).

§ 251-0405.13. Ware-washing sinks and drainboards: self-draining.

Sinks and drainboards of ware-washing sinks and machines shall be self-draining.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration); and 7 Pa. Code § 46.774 (relating to storing clean items).

§ 251-0405.14. Equipment compartments: drainage.

Equipment compartments that are subject to accumulation of moisture due to conditions such as condensation, food or beverage drip, or water from melting ice shall be sloped to an outlet that allows complete draining.

Cross-references

This section cited in 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); and 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration).

§ 251-0405.15. Case lot handling equipment: movability.

Equipment, such as dollies, pallets, racks and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available equipment such as hand trucks and forklifts.

Cross-references

This section cited in 7 Pa. Code § 46.321 (relating to food storage); 7 Pa. Code § 46.501 (relating to acceptability of food equipment certified or classified for sanitation by an ANSI-accredited certification program); 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment); 7 Pa. Code § 46.691 (relating to utensils and temperature and pressure measuring devices: repair and calibration); and 7 Pa. Code § 46.774 (relating to storing clean items).

F

Numbers and Capacities of Equipment

§ 251-0406.01. Cooling, heating and holding capacities.

Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified in § 251-0301.01 et seq., (relating to food).

§ 251-0406.02. Manual ware-washing: sink compartment requirements.

A. General: three compartments required. Except as specified in Subsection C, a sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

B. Large equipment and utensils. Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils that require cleaning by immersion. If equipment or utensils are too large for the ware-washing sink, a ware-washing machine or alternative equipment as specified in Subsection C shall be used.

C. Exception for approved alternative equipment. Alternative manual ware-washing equipment may be used when there are special cleaning needs or constraints and its use is approved by the Department. Alternative manual ware-washing equipment may include any of the following:

(1) High-pressure detergent sprayers.

(2) Low- or line-pressure spray detergent foamers.

(3) Other task-specific cleaning equipment, such as utensils supplied by an equipment manufacturer.

(4) Brushes or similar bristled implements.

(5) Two-compartment sinks as specified in § 251-0409.06F (relating to manual ware-washing equipment).

(6) Receptacles that substitute for the compartments of a multicompartment sink.

Cross-references

This section cited in 7 Pa. Code § 46.674 (relating to ware-washing equipment: mechanical or manual); 7 Pa. Code § 46.717 (relating to washing procedures for alternative ware-washing equipment); and 7 Pa. Code § 46.718 (relating to rinsing procedures).

§ 251-0406.03. Drainboards.

Drainboards, utensil racks or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

Cross-references

This section cited in 7 Pa. Code § 46.674 (relating to ware-washing equipment: mechanical or manual).

§ 251-0406.04. Ventilation hood systems: adequacy.

Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls, ceilings and fixtures.

§ 251-0406.05. Clothes washers and dryers.

A mechanical clothes washer and dryer shall be provided and used at a food facility if work clothes or linens are laundered on the premises. This section does not apply if on-premises laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified in § 251-0414.02 (relating to wiping cloths: air-drying locations).

Cross-references

This section cited in 7 Pa. Code § 46.752 (relating to methods of laundering); and 7 Pa. Code § 46.772 (relating to wiping cloths: air-drying locations).

G

Numbers and Capacities of Utensils, Temperature Measuring Devices and Testing Devices

§ 251-0407.01. Consumer self-service utensils.

A food-dispensing utensil shall be available for each container displayed at a consumer self-service unit (such as a buffet or salad bar).

§ 251-0407.02. Food temperature-measuring devices.

Food temperature-measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified in § 251-0301.01 et seq., (relating to food). A food temperature measuring device with a suitable small-diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature of thin foods, such as meat patties or fish fillets.

§ 251-0407.03. Temperature measuring devices for manual ware-washing.

In manual ware-washing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

§ 251-0407.04. Sanitizing solution testing devices.

A test kit or other device that accurately measures the concentration in mg/L or ppm of sanitizing solutions shall be provided.

H

Location and Installation of Equipment

§ 251-0408.01. Location of equipment, clothes washers and dryers and storage cabinets to prevent contamination.

A. Prohibited locations. Except as specified in Subsection B, equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens and single-service and single-use articles may not be located in the following:

(1) Locker rooms.

(2) Toilet rooms.

(3) Garbage rooms.

(4) Mechanical rooms.

(5) Under sewer lines that are not shielded to intercept potential drips.

(6) Under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed.

(7) Under open stairwells.

(8) Under other sources of contamination.

B. Exception. A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.

C. Mechanical clothes washer or dryer. If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

§ 251-0408.02. Installation of fixed equipment, fixed table-mounted equipment and fixed floor-mounted equipment.

A. Fixed equipment: spacing or sealing. Equipment that is fixed because it is not easily movable shall be installed so that it is both of the following:

(1) Spaced to allow access for cleaning along the sides, behind and above the equipment.

(2) Spaced from adjoining equipment, walls and ceilings a distance of not more than one millimeter or 1/32 inch or, if the equipment is exposed to spillage or seepage, sealed to adjoining equipment or walls.

B. Fixed table-mounted equipment. Table-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being one of the following:

(1) Sealed to the table.

(2) Elevated on legs that provide at least one of the following:

(a) Ten centimeters (four inches) clearance between the table and the equipment.

(b) Seven and half centimeters (three inches) clearance between the table and the equipment if the horizontal distance of the tabletop under the equipment is no more than 50 centimeters (20 inches) from the point of access for cleaning.

(c) Five centimeters (two inches) clearance between the table and the equipment if the horizontal distance of the table top under the equipment is no more than 7.5 centimeters (three inches) from the point of access for cleaning.

C. Fixed floor-mounted equipment.

(1) Except as specified in Subsection C(2) or (3), floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a clearance of 15 centimeters (six inches) between the floor and the equipment.

(2) If no part of the floor under the floor-mounted equipment is more than 15 centimeters (six inches) from the point of cleaning access, the clearance space may be only 10 centimeters (four inches).

(3) This section does not apply to display shelving units, display refrigeration units and display freezer units located in the consumer shopping areas of a retail food store, if the floor under the units is maintained clean.

Cross-references

This section cited in 7 Pa. Code § 46.671 (relating to equipment: good repair and proper adjustment).

I

Maintenance and Operation of Equipment

§ 251-0409.01. Equipment: good repair and proper adjustment.

A. General. Equipment shall be maintained in a state of repair and condition that meets the requirements specified in §§ 251-0401.01, 251-0402.01 through 251-0402.03, 251-0403.01 through 251-0403.04, 251-0404.01 through 251-0404.03 and 251-0405.01 through 251-0405.15.

B. Equipment components. Equipment components such as doors, seals, hinges, fasteners and kick plates shall be kept intact, tight and adjusted in accordance with manufacturer's specifications.

C. Cutting or piercing parts of can openers. Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

§ 251-0409.02. Cutting surfaces.

Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

§ 251-0409.03. Microwave ovens.

Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10 (relating to microwave ovens).

§ 251-0409.04. Ware-washing equipment: mechanical or manual.

A. Cleaning frequency. A ware-washing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified in § 251-0406.03 (relating to drainboards) shall be cleaned as follows:

(1) Before use.

(2) Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function.

(3) If used, at least every 24 hours.

B. Cleaning agents. When used for ware-washing, the wash compartment of a sink, mechanical ware-washer or wash receptacle of alternative manual ware-washing equipment as specified in § 210-0406.02(c) (relating to manual ware-washing: sink compartment requirements), shall contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, abrasive cleaner or other cleaning agent according to the cleaning agent manufacturer's label instructions.

C. Clean solutions. The wash, rinse and sanitize solutions shall be maintained clean.

D. Chemical sanitization: temperature, pH, concentration and hardness. A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified in § 251-0412.01C (relating to sanitization: requirement, frequency and methods) shall be listed in 21 CFR 178.1010 (relating to sanitizing solutions), shall be used in accordance with the EPA-approved manufacturer's label use instructions, and shall be used as follows:

(1) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

Minimum Concentration	Minimum Temperature for Solution with pH of 10 or Less	Minimum Temperature for Solution with pH of 8 or Less
25 mg/L (ppm)	49° C. (120° F.)	49° C. (120° F.)
50 mg/L (ppm)	38° C. (100° F.)	24° C. (75° F.)
100 mg/L (ppm)	13° C. (55° F.)	13° C. (55° F.)

(2) An iodine solution shall have the following:

(a) A minimum temperature of 24° C. (75° F.).

(b) A pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective.

(c) A concentration between 12.5 mg/L (ppm) and 25 mg/L (ppm).

(3) A quaternary ammonium compound solution shall:

(a) Have a minimum temperature of 24° C. (75° F.).

(b) Have a concentration as specified in § 46.731[37] and as indicated by the manufacturer's use directions included in the labeling.

(c) Be used only in water with 500 mg/L (ppm) hardness or less or in water having a hardness no greater than specified by the manufacturer's label.

(4) If another solution of a chemical specified in Subsection D(1) through (3) is used, the food facility operator shall demonstrate to the Department that the solution achieves sanitization and the use of the solution may be approved by the Department.

(5) If a chemical sanitizer other than chlorine, iodine or a quaternary ammonium compound is used, it shall be applied in accordance with the manufacturer use directions included in the labeling.

E. Determining chemical sanitizer concentration. Concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.

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37. Editor's Note: See 7 Pa. Code § 46.731.

Cross-references

This section cited in 7 Pa. Code § 46.304 (relating to wiping cloths: use limitations); 7 Pa. Code § 46.676 (relating to manual ware-washing equipment); 7 Pa. Code § 46.731 (relating to sanitization: requirement, frequency and methods); 7 Pa. Code § 46.752 (relating to methods of laundering); and 7 Pa. Code § 46.772 (relating to wiping cloths: air-drying locations).

§ 251-0409.05. Mechanical ware-washing equipment.

A. Manufacturers' operating instructions.

(1) A ware-washing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

(2) A ware-washing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

B. Wash solution temperature where hot water is used to sanitize. The temperature of the wash solution in spray-type ware-washers that use hot water to sanitize may not be less than the following temperature, as applicable:

(1) For a stationary rack, single-temperature machine, 74° C. (165° F.).

(2) For a stationary rack, dual-temperature machine, 66° C. (150° F.).

(3) For a single tank, conveyor, dual-temperature machine, 71° C. (160° F.).

(4) For a multitank, conveyor, multitemperature machine, 66° C. (150° F.).

C. Wash solution temperature where chemicals are used to sanitize. The temperature of the wash solution in spray-type ware-washers that use chemicals to sanitize may not be less than 49° C. (120° F.).

D. Sanitizing rinse temperature where hot water is used to sanitize.

(1) Except as specified in Subsection D(2), in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than 90° C. (194° F.), or less than the following, as applicable:

(a) For a stationary rack, single-temperature machine, 74° C. (165° F.).

(b) For all other machines, 82° C. (180° F.).

(2) The maximum temperature specified in Subsection D(1) does not apply to the high-pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws.

E. Sanitization pressure. The flow pressure of the fresh hot water sanitizing rinse in a ware-washing machine may not be less than 100 kilopascals (15 pounds per square inch) or more than 170 kilopascals (25 pounds per square inch) as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

Cross-references

This section cited in 7 Pa. Code § 46.731 (relating to sanitization: requirement, frequency and methods).

§ 251-0409.06. Manual ware-washing equipment.

A. Ware-washing sinks: use limitation. A ware-washing sink may not be used for hand-washing. Ware-washing sinks may not be used for food preparation unless the use is approved by the Department, the procedures specified in Subsection B are followed and limited food preparation or ware-washing occurs.

B. Sanitizing ware-washing sink after other uses. If a ware-washing sink is used to wash wiping cloths, wash produce or thaw food, the sink shall be cleaned as specified in § 251-0409.04A (relating to ware-washing equipment: mechanical or manual) before and after each time it is used to wash wiping cloths, wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified in § 251-0412.01 (relating to sanitization: requirement, frequency and methods) before and after using the sink to wash produce or thaw food.

C. Wash solution temperature. The temperature of the wash solution in manual ware-washing equipment shall be maintained at not less than 43° C. (110° F.) or the temperature specified on the cleaning agent manufacturer's label instructions.

D. Hot water sanitization temperatures. If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 77° C. (171° F.) or above.

E. Chemical sanitization using detergent sanitizers. If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

F. Use of two-compartment sink. A two-compartment sink may not be used for ware-washing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing ware-washing process. A two-compartment sink may be used for ware-washing when all of the following are accurate:

(1) The food facility operator has obtained approval from the Department to use the two-compartment sink.

(2) The nature of ware-washing is limited to batch operations for cleaning kitchenware (such as between cutting one type of raw meat and another or cleanup at the end of a shift) and the following are accurate:

(a) The number of items to be cleaned is limited.

(b) The cleaning and sanitizing solutions are made up immediately before use and drained immediately after use.

(c) Either a detergent-sanitizer is used to sanitize and is applied in accordance with the manufacturer's instructions and as Subsection E, or a hot water sanitization immersion step is used as specified in § 251-0411.08C (relating to rinsing procedures).

Cross-references

This section cited in 7 Pa. Code § 46.612 (relating to manual ware-washing; sink compartment requirements); and 7 Pa. Code § 46.731 (relating to sanitization; requirement, frequency and methods).

J

Maintenance and Operation of Utensils and Temperature- and Pressure-Measuring Devices

§ 251-0410.01. Utensils and temperature- and pressure-measuring devices: repair and calibration.

A. General requirement of good repair and calibration. Utensils shall be maintained in a state of repair or condition that complies with the requirements specified in §§ 251-0401.01 through 251-0402.01, 251-0402.03, 251-0403.01 through 251-0403.04, 251-0404.01 through 251-0404.03, 251-0405.01 through 251-0405.15 or shall be discarded.

B. Food temperature-measuring devices. Food temperature-measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.

C. Ambient air temperature-, water pressure- and water temperature-measuring devices. Ambient air temperature-, water pressure- and water temperature-measuring devices shall be maintained in good repair and be accurate within the intended range of use.

Cross-references

This section cited in 7 Pa. Code § 46.102 (relating to duties of the persons in charge).

§ 251-0410.02. Single-service and single-use articles.

A. Required use. A food facility without facilities specified in §§ 251-0411.01 through 251-0411.09 (relating to cleaning of equipment and utensils) for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, single-use articles for use by food employees and single-service articles for use by consumers.

B. Use limitation.

(1) Single-service and single-use articles may not be reused.

(2) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

§ 251-0410.03. Mollusk and crustacean shells used as serving containers.

Mollusk and crustacean shells may not be used more than once as serving containers.

K

Cleaning of Equipment and Utensils

§ 251-0411.01. Objective of cleaning equipment and utensils.

A. General cleanliness requirement. Equipment food-contact surfaces and utensils shall be clean to sight and touch.

B. Grease and soil accumulations. The food-contact surfaces of cooling equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

C. Non-food-contact surfaces. Non-food-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue and other debris.

Cross-references

This section cited in 7 Pa. Code § 46.301 (relating to preventing contamination from food contact with equipment and utensils); and 7 Pa. Code § 46.692 (relating to single-service and single-use articles).

§ 251-0411.02. Frequency of cleaning equipment food-contact surfaces and utensils.

A. General requirements. Equipment food-contact surfaces and utensils shall be cleaned as follows:

(1) Except as specified in Subsection B, before each use with a different type of raw animal-derived food such as beef, fish, lamb, pork or poultry.

(2) Each time there is a change from working with raw foods to working with ready-to-eat foods.

(3) Between uses with raw fruits and vegetables and with potentially hazardous food.

(4) Before using or storing a food temperature measuring device.

(5) At any time during the operation when contamination may have occurred.

B. Exception. Subsection A(1) does not apply if the food-contact surface or utensil is in contact with a succession of different raw animal-derived foods each requiring a higher cooking temperature as specified in § 251-0309.01 (relating to cooking raw animal-derived foods) than the previous food (such as preparing raw fish followed by cutting raw poultry on the same cutting board).

C. Maximum cleaning interval for equipment food-contact surfaces and utensils in contact with potentially hazardous food. Except as specified in Subsection D, if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four hours.

D. Exceptions. Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every four hours under any of the following circumstances:

(1) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified in § 251-0301.01 et seq., (relating to food) and the containers are cleaned when they are empty.

(2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the chart in Subparagraph D(2)(a) and both of the following occur:

(a) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

Temperature	**Cleaning Frequency (hours)**
5.0° C. (41° F.) or less	24
> 5.0° C. and <= 7.2° C. (> 41° F. and <= 45° F.)	20
> 7.2° C. and <= 10° C. (> 45° F. and <= 50° F.)	16
> 10° C. and <= 12.8° C. (> 50° F. and <= 55° F.)	10

(b) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the food facility.

(3) Containers in serving situations such as salad bars, delis and cafeteria lines hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified in § 251-0301.01 et seq., are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are emptied and cleaned at least every 24 hours.

(4) Temperature-measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified in § 251-0301.01 et seq.

(5) Equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues.

(6) The cleaning schedule is approved by the Department based on consideration of the following:

(a) Characteristics of the equipment and its use.

(b) The type of food involved.

(c) The amount of food residue accumulation.

(d) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing food-borne disease.

(7) In-use utensils are intermittently stored in a container of water in which the water is maintained at 58° C. (135° F.) or more and the utensils and container are cleaned

at least every 24 hours or at a frequency necessary to preclude accumulation of soil residues.

E. Maximum cleaning interval for equipment food-contact surfaces and utensils in contact with food that is not potentially hazardous. Except when dry cleaning methods are used as specified in § 251-0411.05A (relating to methods of cleaning), surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned as follows:

(1) At any time when contamination may have occurred.

(2) At least every 24 hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops or ladles.

(3) Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers.

(4) In equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders and water vending equipment as follows:

(a) At a frequency specified by the manufacturer.

(b) Absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

Cross-references

This section cited in 7 Pa. Code § 46.281 (relating to preventing contamination of packaged and unpackaged food: separation, packaging and segregation); 7 Pa. Code § 46.301 (relating to preventing contamination from contact with equipment and utensils); 7 Pa. Code § 46.302 (relating to preventing contamination from food contact with equipment and utensils); 7 Pa. Code § 46.692 (relating to single-service and single-use articles); and 7 Pa. Code § 46.713 (relating to frequency of cleaning, cooking and baking equipment).

§ 251-0411.03. Frequency of cleaning cooking and baking equipment.

A. Food-contact surfaces. The food-contact surfaces of cooking and baking equipment shall be cleaned at least every 24 hours. This requirement does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in § 251-0411.02D(6) (relating to frequency of cleaning equipment food-contact surfaces and utensils).

B. Microwave ovens. The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.

Cross-references

This section cited in 7 Pa. Code § 46.301 (relating to preventing contamination from food contact with equipment and utensils); and 7 Pa. Code § 46.692 (relating to single-service and single-use articles).

§ 251-0411.04. Frequency of cleaning non-food-contact surfaces.

Non-food-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

Cross-references

This section cited in 7 Pa. Code § 46.301 (relating to preventing contamination from food contact with equipment and utensils); and 7 Pa. Code § 46.692 (relating to single-service and single-use articles).

§ 251-0411.05. Methods of cleaning.

A. Dry cleaning.

(1) If used, dry cleaning methods such as brushing, scraping and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.

(2) Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

B. Precleaning.

(1) Food debris on equipment and utensils shall be scraped over a waste disposal unit or garbage receptacle or may be removed in a ware-washing machine with a prewash cycle.

(2) If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked or scrubbed with abrasives.

C. Wet cleaning.

(1) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary, such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic devices.

(2) The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

Cross-references.

This section cited in 7 Pa. Code § 46.301 (relating to preventing contamination from food contact with equipment and utensils); 7 Pa. Code § 46.692 (relating to single-service and single- use articles); 7 Pa. Code § 46.712 (relating to frequency of cleaning equipment food-contact surfaces and utensils); and 7 Pa. Code § 46.717 (relating to washing procedures for alternative ware-washing equipment).

§ 251-0411.06. Washing: loading of soiled items into ware-washing machines.

Soiled items to be cleaned in a ware-washing machine shall be loaded into racks, trays or baskets or onto conveyors in a position that exposes the items to the unobstructed spray from all cycles, and allows the items to drain.

Cross-references

This section cited in 7 Pa. Code § 46.301 (relating to preventing contamination from food contact with equipment and utensils); and 7 Pa. Code § 46.692 (relating to single-service and single-use articles).

§ 251-0411.07. Washing procedures for alternative ware-washing equipment.

If washing in sink compartments or a ware-washing machine is impractical (such as when the equipment is fixed or the utensils are too large), washing shall be done by using alternative manual ware-washing equipment as specified in § 251-0406.02C (relating to manual ware-washing: sink compartment requirements) in accordance with the following procedures:

A. Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts.

B. Equipment components and utensils shall be scrapped or rough cleaned to remove food particle accumulation.

C. Equipment and utensils shall be washed as specified in § 251-0411.05C(1) (relating to methods of cleaning).

Cross-references

This section cited in 7 Pa. Code § 46.301 (relating to preventing contamination from food contact with equipment and utensils); and 7 Pa. Code § 46.692 (relating to single-service and single-use articles).

§ 251-0411.08. Rinsing procedures.

Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one of the following procedures:

A. Use of a distinct, separate water rinse after washing and before sanitizing if using any of the following:

(1) A three-compartment sink.

(2) Alternative manual ware-washing equipment equivalent to a three-compartment sink as specified in § 251-0406.02C (relating to manual ware-washing: sink compartment requirements).

(3) A three-step washing, rinsing and sanitizing procedure in a ware-washing system for CIP equipment.

B. Use of a detergent-sanitizer as specified in § 251-0409.06F (relating to manual ware-washing equipment) if using either of the following:

(1) Alternative ware-washing equipment as specified in § 251-0406.02C that is approved for use with a detergent-sanitizer.

(2) A ware-washing system for CIP equipment.

C. Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two-compartment sink operation.

D. If using a ware-washing machine that does not recycle the sanitizing solution as specified in Subsection E, or alternative manual ware-washing equipment (such as sprayers), use of a nondistinct water rinse that is the following:

(1) Integrated in the application of the sanitizing solution.

(2) Wasted immediately after each application.

E. If using a ware-washing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

Cross-references

This section cited in 7 Pa. Code § 46.301 (relating to preventing contamination from food contact with equipment and utensils); 7 Pa. Code § 46.676 (relating to manual ware-washing equipment); and 7 Pa. Code § 46.692 (relating to single-service and single-use articles).

§ 251-0411.09. Washing returnable containers for refilling.

A. General requirement. Except as specified in Subsections B and C, returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food establishment.

B. Exception. A food-specific container for beverages may be refilled at a food facility if all of the following are accurate:

(1) Only a beverage that is not a potentially hazardous food is used as specified in § 251-0306.07A (relating to refilling returnables).

(2) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food facility.

(3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system.

(4) The consumer-owned container returned to the food facility for refilling is refilled for sale or service only to the same consumer.

(5) The container is refilled by either of the following:

(a) An employee of the food facility.

(b) The owner of the container if the beverage system includes a contamination-free transfer process that cannot be bypassed by the container owner.

C. Exception. Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

Cross-references

This section cited in 7 Pa. Code § 46.301 (relating to preventing contamination from food contact with equipment and utensils); 7 Pa. Code § 46.307 (relating to refilling returnables); and 7 Pa. Code § 46.692 (relating to single-service and single-use articles).

L

Sanitization of Equipment and Utensils

§ 251-0412.01. Sanitization: requirement, frequency and methods.

A. Requirement. Equipment food-contact surfaces and utensils shall be sanitized in accordance with this section.

B. Frequency. Utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning.

C. Methods: hot water and chemical. After being cleaned, equipment food contact surfaces and utensils shall be sanitized by the following methods, based upon the type of operation:

(1) In hot water manual operations: by immersion for at least 30 seconds and as specified in § 251-0409.06D (relating to manual ware-washing equipment).

(2) In hot water mechanical operations: by being cycled through equipment that is set up as specified in § 251-0409.05A, D, and E (relating to mechanical ware-washing equipment) and achieving a utensil surface temperature of 71° C. (160° F.) as measured by an irreversible registering temperature indicator.

(3) In chemical manual or mechanical operations: including the application of sanitizing chemicals by immersion, manual swabbing, brushing or pressure spraying methods, using a solution as specified in § 251-0409.04D (relating to ware-washing equipment: mechanical or manual) for the following exposure time, as applicable:

(a) Except as specified in Subsection C(3)(b), an exposure time of at least 10 seconds for a chlorine solution specified in § 251-0409.04D(1).

(b) An exposure time of at least seven seconds for a chlorine solution of 50 mg/L (ppm) that has a pH of 10 or less and a temperature of at least 38° C. (100° F.) or a pH of eight or less and a temperature of at least 24° C. (75° F.).

(c) An exposure time of at least 30 seconds for other chemical sanitizing solutions.

(d) An exposure time used in relationship with a combination of temperature, concentration and pH that, when evaluated for efficacy, yields sanitization.

Cross-references

This section cited in 7 Pa. Code § 46.281 (relating to preventing contamination of packaged and unpackaged food: separation, packaging and segregation); 7 Pa. Code § 46.301 (relating to preventing contamination from food contact with equipment and utensils); 7 Pa. Code § 46.302 (relating to in-use utensils and between-use storage); 7 Pa. Code § 46.674 (relating to ware-washing equipment: mechanical or manual); and 7 Pa. Code § 46.676 (relating to manual ware-washing equipment).

M
Laundering

§ 251-0413.01. Requirement and frequency of laundering.

A. Requirement. Clean linens shall be free from food residues and other soiling matter.

B. Frequency of laundering.

(1) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky or visibly soiled.

(2) Cloth gloves used as specified in § 251-0306.05D (relating to gloves: use limitations) shall be laundered before being used with a different type of raw animal-derived food such as beef, lamb, pork and fish.

(3) Linens and napkins that are used as specified in § 251-0306.03 (relating to linens and napkins: use limitations) and cloth napkins shall be laundered between each use.

(4) Wet wiping cloths shall be laundered daily.

(5) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

Cross-references

This section cited in 7 Pa. Code § 46.304 (relating to wiping cloths: use limitations).

§ 251-0413.02. Methods of laundering.

A. Storage of soiled linens. Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils and single-service and single-use articles.

B. Mechanical washing. All linens shall be mechanically washed, except in food facilities where only wiping cloths are laundered as specified in § 251-0406.05 (relating to clothes washers and dryers), the wiping cloths may be laundered in a mechanical washer, sink designated only for laundering wiping cloths or a ware-washing or food preparation sink that is cleaned as specified in § 251-0409.04A (relating to ware-washing equipment: mechanical or manual).

§ 251-0413.03. Use of laundry facilities.

A. General requirement. Except as specified in Subsection B, laundry facilities on the premises of a food facility shall be used only for the washing and drying of items used in the operation of the facility.

B. Exception. Separate laundry facilities located on the premises for the purpose of general laundering (such as for institutions providing boarding and lodging) may also be used for laundering food facility items.

N

Protection of Clean Items

§ 251-0414.01. Drying clean equipment and utensils.

A. Air-drying or adequate draining required. After cleaning and sanitizing, equipment and utensils shall be air-dried or used after adequate draining as specified in 21 CFR 178.1010(a) (relating to sanitizing solutions) before contact with food.

B. Cloth drying. After cleaning and sanitizing, equipment and utensils may not be cloth-dried, except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

§ 251-0414.02. Wiping cloths: air-drying locations.

A. General. Except as provided in Subsection B, wiping cloths laundered in a food facility that does not have a mechanical clothes dryer as specified in § 251-0406.05 (relating to clothes washers and dryers) shall be air-dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, single-service and single-use articles and wiping cloths.

B. Exception. This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified in § 251-0409.04D (relating to ware-washing equipment: mechanical or manual).

Cross-references

This section cited in 7 Pa. Code § 46.615 (relating to clothes washer and dryers).

§ 251-0414.03. Lubricating and reassembling clean food-contact surfaces and equipment.

A. Food-contact surfaces. Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

B. Equipment. Equipment shall be reassembled so that food-contact surfaces are not contaminated.

§ 251-0414.04. Storing clean items.

A. General requirement for equipment, utensils, linens and single-service and single-use articles. Except as specified in Subsection D, cleaned equipment and utensils, laundered linens and single-service and single-use articles shall be stored as follows:

(1) In a clean, dry location.

(2) Where they are not exposed to splash, dust or other contamination.

(3) At least 15 centimeters (six inches) above the floor.

B. Additional storage requirements for equipment and utensils. Clean equipment and utensils shall be stored as specified in Subsection A and shall be stored covered or inverted, and in a self-draining position that allows air drying.

C. Additional storage requirements for single-service and single-use articles. Single-service and single-use articles shall be stored as specified in Subsection A and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

D. Items in closed packages. Items that are kept in closed packages may be stored less than 15 centimeters (six inches) above the floor on dollies, pallets, racks and skids that are designed as specified in § 46.595[38] (relating to case lot handling equipment: moveability).

E. Prohibited storage locations. Except as specified in Subsection F, cleaned and sanitized equipment, utensils, laundered linens and single-service and single-use articles may not be stored in any of the following locations:

(1) A locker room.

(2) A toilet room.

(3) A garbage room.

(4) A mechanical room.

(5) Under a sewer line that is not shielded to intercept potential drips.

(6) Under a leaking water line, including a leaking automatic fire sprinkler head, or under a line on which water has condensed.

(7) Under an open stairwell.

(8) Under another source of contamination.

F. Limited exception for a locker room. Laundered linens and single-service and single-use articles that are packaged or in a facility such as a cabinet may be stored in a locker room.

§ 251-0414.05. Handling clean items.

A. Kitchenware and tableware.

(1) Single-service and single-use articles and cleaned and sanitized utensils shall be handled, displayed and dispensed so that contamination of food- and lip-contact surfaces is prevented.

(2) Knives, forks and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.

(3) Except as specified in Subsection A(2), single-service articles that are intended for food- or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

B. Preset tableware. If tableware is preset, it shall be protected from contamination by being wrapped, covered or inverted. Exposed, unused settings shall be either removed when

38. Editor's Note: See 7 Pa. Code § 46.595.

a consumer is seated, or cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

C. Soiled and clean tableware. Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

Part 5
Water, Plumbing And Waste Water

A
Water

§ 251-0501.01. Sources of drinking water.

Drinking water shall be obtained from an approved source that is either of the following:

A. A public water system.

B. A nonpublic water system that is constructed, maintained and operated in accordance with 25 Pa. Code Chapter 109 (relating to safe drinking water). For the purpose of approval of a nonpublic water system that serves a food facility, a nonpublic water system shall be required to conform to the construction, maintenance and operation requirements established for a transient noncommunity water system as defined in 25 Pa. Code Chapter 109.

Cross-references

This section cited in 7 Pa. Code § 46.806 (relating to distribution, delivery and retention of water).

§ 251-0501.02. Drinking water system flushing and disinfection.

A drinking water system shall be flushed and disinfected before being placed in service after construction, repair or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system. A food facility shall obtain verification that the water meets the quality standards for public drinking water established in 25 Pa. Code Chapter 109 (relating to safe drinking water) before placing a drinking water system in service, and shall retain that verification and provide it to the Department upon request.

Cross-references

This section cited in 7 Pa. Code § 46.806 (relating to distribution, delivery and retention of water).

§ 251-0501.03. Bottled drinking water.

Bottled drinking water used or sold in a food facility shall be obtained from approved sources in accordance with 25 Pa. Code Chapter 109 (relating to safe drinking water).

Cross-references

This section cited in 7 Pa. Code § 46.806 (relating to distribution, delivery and retention of water).

§ 251-0501.04. Quality of water.

A. Standards for drinking water. Except as specified in Subsection B, water obtained from either a public water system or a nonpublic water system for use in a food facility shall meet the quality standards for public drinking water established in 25 Pa. Code Chapter 109 (relating to safe drinking water).

B. Nondrinking water.

(1) A nondrinking water supply shall be used only if approved by the Department.

(2) Nondrinking water shall be used only for nonculinary purposes such as air conditioning, nonfood equipment cooling, fire protection and irrigation.

C. Sampling of water from nonpublic water systems. Except when used as nondrinking water as specified in Subsection B, water from a nonpublic water system shall be sampled and tested for contamination at the same frequency and for the same contaminants as established in 25 Pa. Code Chapter 109 for a transient noncommunity public water system that serves 25 people daily. All analytical work must be performed in accordance with 25 Pa. Code Chapter 109.

D. Sample report for nonpublic water system to be retained at food facility. If a food facility receives all of its drinking water from a nonpublic water system, the results from all required self-monitoring samples collected during the previous 12 months or, if less frequent than annual monitoring is approved by the Department for the facility, the most recent sample report for the nonpublic water system shall be retained on file in the food facility. Food facilities that use a Department of Environmental Protection approved self-contained public water system shall maintain test result records in accordance with 25 Pa. Code Chapter 109.

Cross-references

This section cited in 7 Pa. Code § 46.806 (relating to distribution, delivery and retention of water).

§ 251-0501.05. Quantity and availability of water: capacity and pressure.

A. Capacity.

(1) The water source and system shall be of sufficient capacity to meet the peak water demands of the food facility.

(2) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food facility.

B. Pressure. Water under pressure shall be provided to all fixtures, equipment and nonfood equipment that are required to use water. However, water supplied as specified in § 251-0501.06B(1) and (2) (relating to distribution, delivery and retention of water) to a temporary food facility or in response to a temporary interruption of a water supply need not be under pressure.

Cross-references

This section cited in 7 Pa. Code § 46.806 (relating to distribution, delivery and retention of water).

§ 251-0501.06. Distribution, delivery and retention of water.

A. Delivery system. Water shall be received from the source through the use of one or more of the following:

(1) A properly constructed and maintained service connection or lateral from a public water system that is approved by the Department of Environmental Protection in accordance with 25 Pa. Code Chapter 109 (relating to safe drinking water).

(2) One or more of the following that shall be constructed, maintained and operated in accordance with 25 Pa. Code Chapter 109:

(a) Nonpublic water main, water pumps, pipes, hoses, connections and other appurtenances.

(b) Water transport vehicles.

(c) Water containers.

B. Alternative water supply. Water meeting the applicable requirements in §§ 251-0501.01 through 251-0501.05 and Subsection A shall be made available for a mobile food facility, for a temporary food facility without a permanent water supply and for a food facility with a temporary interruption of its water supply through one or more of the following sources:

(1) A supply of containers of commercially bottled drinking water.

(2) One or more closed portable water containers.

(3) An enclosed vehicular water tank.

(4) An on-premises water storage tank.

(5) Piping, tubing or hoses connected to an adjacent approved source.

Cross-references

This section cited in 7 Pa. Code § 46.805 (relating to quantity and availability of water capacity and pressure).

B
Plumbing System

§ 251-0502.01. Approved materials to be used in plumbing systems.

A. Approved materials required. A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to Chapter 3 of the Pennsylvania Construction Code Act (35 P.S. §§ 7210.301 through 7210.304).

B. Safe materials for water filters. A water filter shall be made of safe materials.

§ 251-0502.02. Design, construction and installation of plumbing systems.

A. Approved system and cleanable fixtures.

(1) A plumbing system shall be designed, constructed and installed according to Chapter 3 of the Pennsylvania Construction Code Act (35 P.S. §§ 7210.301 through 7210.304).

(2) A plumbing fixture such as a hand-washing facility, toilet or urinal shall be easily cleanable.

B. Hand-washing facility: installation.

(1) A hand-washing sink shall be equipped to provide water at a temperature of at least 38° C. (100° F.) through a mixing valve or combination faucet.

(2) A steam mixing valve may not be used at a hand-washing sink.

(3) A self-closing, slow-closing or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

(4) An automatic hand-washing facility shall be installed in accordance with manufacturer's instructions.

C. Air gap requirement for backflow prevention. An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than 25 millimeters (one inch).

D. Design standard for backflow prevention device. A backflow or back-siphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering standards for construction, installation, maintenance, inspection and testing for that specific application and type of device.

E. Design of conditioning device. A water filter, screen and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

Cross-references

This section cited in 7 Pa. Code § 46.131 (relating to cleanliness of hands and exposed portions of arms); and 7 Pa. Code § 46.823 (relating to numbers and capacities of plumbing facilities).

§ 251-0502.03. Numbers and capacities of plumbing facilities.

A. Hand-washing facilities for employees and consumers.

(1) Except as specified in Subsection A(2) and (3), at least one hand-washing sink-and a number of hand-washing sinks necessary for their convenient use by employees in areas specified in § 251-0502.04(A) (relating to location and placement of plumbing facilities) shall be provided.

(2) If approved by the Department and capable of removing the types of soils encountered in the food operations involved, automatic hand-washing facilities may be substituted for hand-washing sinks in a food facility that has at least one hand-washing sink.

(3) If approved by the Department, when food exposure is limited to prepackaged foods and hand-washing sinks are not conveniently available, such as in some temporary food facilities or at some vending machine locations, employees may use chemically treated towelettes for hand-washing.

(4) At least one hand-washing sink and a number of hand-washing sinks necessary for the convenient use by consumers shall be provided in food facilities which allow consumption of food on the food facility premises. Hand-wash sinks for consumers shall be located in easily accessible areas and as required in § 251-0502.04A(2), but may not require access through food preparation, food dispensing, food, equipment and utensil storage areas, or ware-washing areas.

B. Toilets and urinals. At least one toilet and not fewer than the toilets (and urinals, if used) required by the Department of Labor and Industry shall be provided.

C. Utility sink. At least one utility sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

D. Backflow prevention device: when required. A plumbing system shall be installed to preclude backflow of a solid, liquid or gas contaminant into the water supply system at each point of use at the food facility, including on a hose bib if a hose is attached, or on a hose bib if a hose is not attached but can be attached, by an approved backflow prevention device as specified in § 46.822(d)[39] (relating to design, construction and installation of plumbing systems).

E. Backflow prevention device on carbonators. If not provided with an air gap as specified in § 251-0502.02C, a double check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 millimeters (100 mesh to one inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line. A single or double check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided.

Cross-references

This section cited in 7 Pa. Code § 46.941 (relating to hand-washing facilities: numbers and capacities); 7 Pa. Code § 46.942 (relating to toilets and urinals: numbers and capacities); and 7 Pa. Code § 46.946 (relating to utility sinks).

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39. Editor's Note: See 7 Pa. Code § 46.822(d).

§ 251-0502.04. Location and placement of plumbing facilities.

A. Hand-washing facilities. A hand-washing facility shall be located as follows:

(1) In food preparation, food dispensing and ware-washing areas to allow convenient use by employees.

(2) In, or immediately adjacent to, toilet rooms.

B. Location of backflow prevention device. A backflow prevention device shall be located so that it can be serviced and maintained.

C. Location of conditioning device. A water filter, screen and other water-conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

Cross-references

This section cited in 7 Pa. Code § 46.823 (relating to numbers and capacities of plumbing facilities); and 7 Pa. Code § 46.961 (relating to hand-washing facilities: located for convenience).

§ 251-0502.05. Operation and maintenance of plumbing facilities.

A. Using a hand-washing facility.

(1) A hand-washing facility shall be maintained so that it is accessible at all times for employee use.

(2) A hand-washing facility may not be used for purposes other than hand-washing.

(3) An automatic hand-washing facility shall be used in accordance with manufacturer's instructions.

B. Cross-connection prohibited.

(1) Except for firefighting, a person may not create a cross-connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.

(2) The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.

C. Scheduling inspection and service for a water system device. A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be maintained by the person in charge.

D. Cleaning the water reservoir of water devices such as fogging devices.

(1) A reservoir that is used to supply water to a device such as a produce fogger shall be both of the following:

(a) Maintained in accordance with manufacturer's specifications.

(b) Cleaned in accordance with manufacturer's specifications or according to the procedures specified in Subsection D(2), whichever is more stringent.

(2) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

(a) Draining and complete disassembly of the water and aerosol contact parts.

(b) Brush-cleaning the reservoir, aerosol tubing and discharge nozzles with a suitable detergent solution.

(c) Flushing the complete system with water to remove the detergent solution and particulate accumulation.

(d) Rinsing by immersing, spraying or swabbing the reservoir, aerosol tubing and discharge nozzles with at least 50 mg/L (ppm) hypochlorite solution.

E. System maintained in good repair. A plumbing system shall be repaired according to Chapter 3 of the Pennsylvania Construction Code Act (35 P.S. §§ 7210.301 through 7210.304), and shall be maintained in good repair.

Cross-references

This section cited in 7 Pa. Code § 46.981 (relating to premises, structures, attachments and fixtures: methods).

C

Water Tank and Mobile Food Facility Water Tank

§ 251-0503.01. Materials used in construction of water tanks and mobile food facility water tanks.

Materials that are used in the construction of a water tank, mobile food facility water tank and appurtenances shall be all of the following:

A. Safe materials.

B. Durable, corrosion-resistant and nonabsorbent.

C. Finished to have a smooth, easily cleanable surface.

§ 251-0503.02. Design and construction of water tanks and mobile food facility water tanks.

A. Requirement: enclosed system sloped to drain. A water tank shall be the following:

(1) Enclosed from the filling inlet to the discharge outlet.

(2) Sloped to an outlet that allows complete drainage of the tank.

B. Requirement: inspection and cleaning port protected and secured. If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and both of the following:

(1) Flanged upward at least 13 millimeters (1/2 inch).

(2) Equipped with a port cover assembly that is both of the following:

(a) Provided with a gasket and a device for securing the cover in place.

(b) Flanged to overlap the opening and sloped to drain.

C. "V" type threads: use limitation. A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

D. Requirement: tank vent protected. If provided, a water tank vent shall terminate in a downward direction and shall be covered with the following, as applicable:

(1) Sixteen mesh to 25.4 millimeters (16 mesh to one inch) screen or equivalent when the vent is in a protected area.

(2) A protective filter when the vent is in an area that is not protected from windblown dirt and debris.

E. Requirement: inlet and outlet sloped to drain. A water tank and its inlet and outlet shall be sloped to drain, and a water tank inlet shall be positioned so that it is protected from contaminants such as waste discharge, road dust, oil or grease.

F. Hose: construction and identification. A hose used for conveying drinking water from a water tank shall be all of the following:

(1) Constructed of safe materials.

(2) Durable, corrosion-resistant and nonabsorbent.

(3) Resistant to pitting, chipping, crazing, scratching, scoring, distortion and decomposition.

(4) Finished with a smooth interior surface.

(5) Clearly and durably identified as to its use if not permanently attached.

§ 251-0503.03. Numbers and capacities of water tanks and mobile food facility water tanks.

A. Filter requirement where compressed air pressurizes the water tank system. A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.

B. Protective cover or device. A cap and keeper chain, closed cabinet, closed storage tube or other approved protective cover or device shall be provided for a water inlet, outlet and hose.

C. Mobile food facility tank inlet. A mobile food facility's water tank inlet shall be both of the following:

(1) Nineteen and one tenth millimeters (3/4 inch) in inner diameter or less.

(2) Provided with a hose connection of a size or type that will prevent its use for any other service.

Cross-references

This section cited in 7 Pa. Code § 46.844 (relating to operation and maintenance of water tanks and mobile food facility water tanks).

§ 251-0503.04. Operation and maintenance of water tanks and mobile food facility water tanks.

A. System flushing and disinfection. A water tank, pump and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification and periods of nonuse.

B. Preventing backflow while using a pump and hoses. A person shall operate a water tank, pump and hoses so as to prevent backflow and other contamination of the water supply.

C. Protecting inlet, outlet and hose fitting. If not in use, a water tank and hose inlet and outlet fitting shall be protected using a cover or device as specified in § 251-0503.03B (relating to numbers and capacities of water tanks and mobile food facility water tanks).

D. Tank pump and hoses, dedication. A water tank, pump and hoses used for conveying drinking water shall be used for no other purpose, except that water tanks, pumps and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

D

Sewage, Other Liquid Waste and Rainwater

§ 251-0504.01. Capacity and drainage of a sewage holding tank in a mobile food facility.

A sewage holding tank in a mobile food facility shall be both of the following:

A. Sized 15% larger in capacity than the water supply tank.

B. Sloped to a drain that is 25 millimeters (one inch) in inner diameter or greater, equipped with a shutoff valve.

§ 251-0504.02. Retention, drainage and delivery of sewage, other liquid waste and rainwater.

A. Facility drainage system. Food facility drainage systems, including grease traps, that convey sewage shall be designed and installed as specified in § 251-0502.02A (relating to design, construction and installation of plumbing systems).

B. Backflow prevention.

(1) Except as specified in Subsection B(2) and (3), a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment or utensils are placed.

(2) If allowed under Chapter 3 of the Pennsylvania Construction Code Act (35 P.S. §§ 7210.301 through 7210.304), a ware-washing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within 1.5 meters (five feet) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

(3) If allowed under Chapter 3 of the Pennsylvania Construction Code Act, a ware-washing or culinary sink may have a direct connection.

C. Grease trap. If used, a grease trap shall be located to be easily accessible for cleaning.

D. Conveying sewage. Sewage shall be conveyed to the point of disposal though an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses and connections that are constructed, maintained and operated according to Chapter 3 of the Pennsylvania Construction Code Act and Section 7 of the Pennsylvania Sewage Facilities Act (35 P.S. § 750.7).

E. Removing mobile food facility wastes. Sewage and other liquid wastes shall be removed from a mobile food facility at an approved waste servicing area or by a sewage transport vehicle in a way so that a public health hazard or nuisance is not created.

F. Flushing a waste retention tank. A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

Cross-references

This section cited in 7 Pa. Code § 46.884 (relating to operation and maintenance of storage areas, redeeming machines, receptacles and waste handling units).

§ 251-0504.03. Disposal of sewage and nonsewage.

A. Disposal of sewage. Sewage shall be disposed through an approved facility that is either of the following:

(1) A public sewage treatment plant.

(2) An individual sewage disposal system that is sized, constructed, maintained, and operated according to Section 7 of the Pennsylvania Sewage Facilities Act (35 P.S. § 750.7).

B. Other liquid wastes and rainwater. Condensate drainage and other nonsewage liquids and rainwater shall be drained from point of discharge to disposal according to Chapter 3 of the Pennsylvania Construction Code Act (35 P.S. §§ 7210.301 through 7210.304).

E

Refuse, Recyclables and Returnables

§ 251-0505.01. Storage areas and receptacles for refuse, recyclables and returnables: materials, design, construction and installation.

A. Indoor storage area. If located within the food facility, a storage area for refuse, recyclables and returnables shall meet the requirements specified in §§ 251-0601.01, 251-0602.01 and 251-0602.02E and F (relating to indoor areas of food facilities: surface characteristics; cleanability of floors, walls and ceilings; and functionality of various physical facilities of a food facility).

B. Outdoor storage surface. An outdoor storage surface for refuse, recyclables and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be smooth, durable and sloped to drain.

C. Outdoor enclosure. If used, an outdoor enclosure for refuse, recyclables and returnables shall be constructed of durable and cleanable materials.

D. Receptacles. Receptacles and waste handling units for refuse, recyclables and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof and nonabsorbent. Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the food facility, or within closed outside receptacles.

E. Receptacles in vending machines. A refuse receptacle may not be located within a vending machine, except that a receptacle for beverage bottle crown closures maybe located within a vending machine.

F. Outside receptacles.

(1) Receptacles and waste handling units for refuse, recyclables and returnables used with materials containing food residue and used outside the food facility shall be designed and constructed to have tight-fitting lids, doors or covers.

(2) Receptacles and waste handling units for refuse and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

Cross-references

This section cited in 7 Pa. Code § 46.884 (relating to operation and maintenance of storage areas, redeeming machines, receptacles and waste handling units); and 7 Pa. Code § 46.902 (relating to outdoor areas of food facilities: surface characteristics).

§ 251-0505.02. Storage areas and receptacles for refuse, recyclables and returnables: numbers and capacities.

A. Storage areas, rooms and receptacles: capacity and availability.

(1) An inside storage room and area and outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables and returnables that accumulate.

(2) A receptacle shall be provided in each area of the food facility or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

(3) If disposable towels are used at hand-washing sinks, a waste receptacle shall be located at each sink or group of adjacent sinks.

B. Toilet room receptacle for sanitary napkins. A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

C. Cleaning implements and supplies. Suitable cleaning implements and supplies (such as high-pressure pumps, hot water, steam and detergent) shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables and returnables, except that approved off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

Cross-references

This section cited in 7 Pa. Code § 46.941 (relating to hand-washing facilities: numbers and capacities).

§ 251-0505.03. Location of storage areas, redeeming machines, receptacles and waste handling units.

A. General requirement. An area designated for refuse, recyclables, returnables and, except as specified in Subsection B, a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens and single-service and single-use articles and a public health hazard or nuisance is not created.

B. Exception for redeeming machine. A redeeming machine may be located in the packaged food storage area or consumer area of a food facility if food, equipment, utensils, linens and single-service and single-use articles are not subject to contamination from the machines and a public health hazard or nuisance is not created.

C. Receptacles. The location of receptacles and waste handling units for refuse, recyclables and returnables may not create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

Cross-references

This section cited in 7 Pa. Code § 46.965 (relating to refuse, recyclables and returnables: receptacles, waste handling units and designated storage areas).

§ 251-0505.04. Operation and maintenance of storage areas, redeeming machines, receptacles and waste handling units.

A. Storing refuse, recyclables and returnables. Refuse, recyclables and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

B. Keeping areas, enclosures and receptacles in good repair. Storage areas, enclosures and receptacles for refuse, recyclables and returnables shall be maintained in good repair.

C. Outside storage prohibitions.

(1) Except as specified in Subsection C(2), refuse receptacles not meeting the requirements specified in § 251-0505.01 (relating to storage areas and receptacles for refuse, recyclables and returnables: materials, design, construction and installation) (such as receptacles that are not rodent-resistant, unprotected plastic bags and paper bags, or baled units that contain materials with food residue), may not be stored outside.

(2) Cardboard or other packaging material that does not contain food residues and that is a waiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

D. Covering receptacles. Receptacles and waste-handling units for refuse, recyclables and returnables shall be kept covered as follows:

(1) Inside the food facility if the receptacles and units are filled or contain food residue and are not in continuous use.

(2) With tight-fitting lids or doors if kept outside the food facility.

E. Using drain plugs. Drains in receptacles and waste-handling units for refuse, recyclables and returnables shall have drain plugs in place.

F. Maintaining refuse areas and enclosures. A storage area and enclosure for refuse, recyclables or returnables shall be maintained free of unnecessary items, as specified in § 251-0605.01N (relating to premises, structures, attachments and fixtures: methods), and clean.

G. Cleaning receptacles.

(1) Receptacles and waste handling units for refuse, recyclables and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens or single-service and single-use articles, and wastewater shall be disposed of as specified in § 251-0504.02E (relating to retention, drainage and delivery of sewage, other liquid waste and rainwater).

(2) Soiled receptacles and waste handling units for refuse, recyclables and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

§ 251-0505.05. Removal of refuse, recyclable and returnables.

A. Frequency. Refuse, recyclables and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

B. Receptacles or vehicles. Refuse, recyclables and returnables shall be removed from the premises by way of either of the following:

(1) Portable receptacles adequately constructed and maintained to contain the refuse, recyclables or returnables placed therein.

(2) A transport vehicle adequately constructed and maintained to contain the refuse, recyclables or returnables transported therein.

§ 251-0505.06. Facilities for disposal and recycling refuse, recyclables and returnables.

Solid waste not disposed of through the sewage system such as through grinders and pulpers shall be recycled or disposed of in an approved public or private community recycling or refuse facility or solid waste shall be disposed of in an individual refuse facility such as a lawfully operated landfill or incinerator.

Part 6
Physical Facilities

A
Materials for Construction and Repair

§ 251-0601.01. Indoor areas of food facilities: surface characteristics.

A. General requirement. Except as specified in Subsection B, materials for indoor floor, wall and ceiling surfaces of a food facility under conditions of normal use shall be all of the following:

(1) Smooth, durable and easily cleanable for areas where food facility operations are conducted.

(2) Closely woven and easily cleanable carpet for carpeted areas.

(3) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, ware-washing areas, toilet rooms, mobile food facility servicing areas and areas subject to flushing or spray cleaning methods.

B. Exception for a temporary food facility.

(1) If graded to drain, a floor in a temporary food facility may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards or other suitable approved materials that are effectively treated to control dust and mud.

(2) Walls and ceilings in a temporary food facility shall be constructed of a material that protects the interior from the weather and windblown dust and debris.

Cross-references

This section cited in 7 Pa. Code § 46.881 (relating to storage areas and receptacles for refuse, recyclables and returnables: materials, design, construction and installation).

§ 251-0601.02. Outdoor areas of food facilities: surface characteristics.

A. Walking and driving areas. The outdoor walking and driving areas of a food facility shall be surfaced with concrete, asphalt, gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance and prevent muddy conditions.

B. Exterior surfaces. Exterior surfaces of food facility buildings and mobile food facilities shall be of weather-resistant materials and shall comply with Chapter 3 of the Pennsylvania Construction Code Act (35 P.S. §§ 7210.301 through 7210.304).

C. Certain outdoor storage areas. Outdoor storage areas of a food facility used for storing refuse, recyclables or returnables shall be of materials specified in § 251-0505.01B and C (relating to storage areas and receptacles for refuse, recyclables and returnables: materials, design, construction and installation).

B
Design, Construction and Installation

§ 251-0602.01. Cleanability of floors, walls and ceilings.

A. General requirement. Except as specified in Subsection D, the floors, floor coverings, walls, wall coverings and ceilings of a food facility shall be designed, constructed and installed so they are smooth and easily cleanable, except that anti-slip floor coverings or applications may be used for safety reasons.

B. Utility lines.

(1) Utility service lines and pipes in a food facility may not be unnecessarily exposed.

(2) Exposed utility service lines and pipes in a food facility shall be installed so they do not obstruct or prevent cleaning of the floors, walls or ceilings.

(3) Exposed horizontal utility service lines and pipes in a food facility may not be installed on the floor.

C. Floor and wall junctures: coved and enclosed or sealed.

(1) In food facilities in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one millimeter (1/32 inch).

(2) The floors in food facilities in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and sealed.

D. Floor carpeting: limitations and installation.

(1) A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, ware-washing areas, toilet room areas where hand-washing sinks, toilets and urinals are located, refuse storage rooms or other areas where the floor is subject to moisture, flushing or spray cleaning methods.

(2) If carpeting is installed as a floor covering in areas other than those specified in Subsection D(1), it shall be both of the following:

(a) Securely attached to the floor with a durable mastic by using a stretch and tack method, or by another method.

(b) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

E. Floor covering: mats and duckboards. Mats and duckboards in a food facility shall be designed to be removable and easily cleanable.

F. Wall and ceiling coverings and coatings.

(1) Wall and ceiling covering materials in a food facility shall be attached so that they are easily cleanable.

(2) Except in areas used only for dry storage, concrete, porous blocks or bricks used for indoor wall construction in a food facility shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

G. Attachments to walls and ceilings. Attachments to walls and ceilings (such as light fixtures, mechanical room ventilation system components, vent covers, wall-mounted fans, decorative items and other attachments) in a food facility shall be easily cleanable, except that in a consumer area of a food facility, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

H. Studs, joists and rafters in walls and ceilings. Studs, joists and rafters in a food facility may not be exposed in areas subject to moisture. This requirement does not apply to temporary food facilities.

Cross-references

This section cited in 7 Pa. Code § 46.881 (relating to storage areas and receptacles for refuse, recyclables and returnables: materials, design, construction and installation).

§ 251-0602.02. Functionality of various physical facilities of a food facility.

A. Light bulbs: protective shielding.

(1) Except as specified in Subsection A(2), light bulbs in use in a food facility shall be shielded, coated or otherwise shatter-resistant in areas where there is exposed food; clean equipment, utensils and linens; or unwrapped single-service and single-use articles.

(2) Shielded, coated or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if both of the following are accurate:

(a) The integrity of the packages cannot be affected by broken glass falling onto them.

(b) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

(3) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

B. Heating, ventilating and air conditioning system vents. Heating, ventilating and air-conditioning systems in a food facility shall be designed and installed so that makeup air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment or utensils.

C. Design and installation of insect control devices.

(1) Insect control devices that are used in a food facility to electrocute or stun flying insects shall be designed to retain the insect within the device.

(2) Insect control devices shall be installed so that they meet the following requirements:

(a) The devices are not located over a food-preparation area.

(b) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

D. Toilet rooms shall be enclosed. A toilet room located on the premises of a food facility shall be completely enclosed and provided with a tight-fitting and self-closing door. This requirement does not apply to a toilet room that is located outside a food facility and does not open directly into the food facility (such as a toilet room that is provided by the management of a shopping mall).

E. Outer openings shall be protected.

(1) Except as specified in Subsection E(2) through (5), outer openings of a food facility shall be protected against the entry of insects and rodents by use of the following:

(a) Filling or closing holes and other gaps along floors, walls and ceilings.

(b) Having closed, tight-fitting windows.

(c) Having solid, self-closing, tight-fitting doors.

(2) Subsection E(1) does not apply if a food facility opens into a larger structure, such as a mall, airport or office building, or into an attached structure, such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

(3) Exterior doors used as exits need not be self-closing if they are all of the following:

(a) Solid and tight-fitting.

(b) Designated for use only when an emergency exists, and limited so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

(4) Except as specified in Subsection E(2) and (5), if the windows or doors of a food facility, or of a larger structure within which a food facility is located, are kept open for ventilation or other purposes or a temporary food facility is not provided with windows and doors as specified in Subsection E(1), the openings shall be protected against the entry of insects and rodents by one or more of the following:

(a) Sixteen mesh to 25.4 millimeters (16 mesh to one inch) screens.

(b) Properly designed and installed air curtains to control flying insects.

(c) Other effective means.

(5) Subsection E(4) does not apply if insects, rodents and other animals are absent due to the location of the facility, the weather or other limiting condition.

F. Exterior walls and roofs: protective barrier. Perimeter walls and roofs of a food facility shall effectively protect the facility from the weather and the entry of insects, rodents and other animals.

G. Outdoor food vending areas, overhead protection. If located outside, a machine used to vend food shall be provided with overhead protection except that machines vending canned beverages need not meet this requirement.

H. Outdoor servicing areas: overhead protection. Servicing areas of a food facility shall be provided with overhead protection. However, if the area is used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, the area need not be provided with overhead protection.

(1) Outdoor walking and driving surfaces: graded to drain. Exterior walking and driving surfaces of a food facility shall be graded to drain.

I. Outdoor refuse areas: curbed and graded to drain. Outdoor refuse areas shall be constructed in accordance with Chapter 3 of the Pennsylvania Construction Code Act (35 P.S. §§ 7210.301 through 7210.304) and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

J. Living or sleeping quarters, use prohibition. A room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters, may not be used for conducting food facility operations.

K. Living or sleeping quarters: separation. Living or sleeping quarters located on the premises of a food facility such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food facility operations by complete partitioning and solid self-closing doors.

Cross-references

This section cited in 7 Pa. Code § 46.102 (relating to duties of the person in charge); 7 Pa. Code § 46.881 (relating to storage areas and receptacles for refuse, recyclables and returnables: materials, design, construction and installation); and 7 Pa. Code § 46.981 (relating to premises, structures, attachments and fixtures: methods).

C
Numbers and Capacities

§ 251-0603.01. Hand-washing facilities: numbers and capacities.

A. Minimum number. Hand-washing facilities shall be provided in a food facility as specified in § 251-0502.03A (relating to numbers and capacities of plumbing facilities).

B. Availability of hand-washing cleanser. Each hand-washing sink or group of two adjacent sinks shall be provided with a supply of hand cleaning liquid, powder or bar soap.

C. Availability of hand drying. Each hand-washing sink or group of adjacent sinks shall be provided with one or more of the following:

(1) Individual, disposable towels.

(2) A continuous towel system that supplies the user with a clean towel.

(3) A heated-air hand-drying device.

D. Limitations on use of hand-washing aids and devices. A sink used for food preparation or utensil washing, or a utility sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the hand-washing aids and devices required for a hand-washing sink as specified in Subsections B and C and § 251-0505.02A(3) (relating to storage areas and receptacles for refuse, recyclables and returnables: numbers and capacities).

E. Hand-washing signage. A sign or poster that notifies food employees to wash their hands shall be provided at all hand-washing sinks used by food employees and shall be clearly visible to food employees.

F. Disposable towels, waste receptacle. A hand-washing sink or group of adjacent sinks that is provided with disposable towels shall be provided with a waste receptacle as specified in § 251-0505.02A(3).

Cross-references

This section cited in 7 Pa. Code § 46.131 (relating to cleanliness of hands and exposed portions of arms).

§ 251-0603.02. Toilets and urinals: numbers and capacities.

A. Minimum number. Toilets and urinals shall be provided in a food facility as specified in § 251-0502.03B (relating to numbers and capacities of plumbing facilities).

B. Availability of toilet tissue. A supply of toilet tissue shall be available at each toilet.

§ 251-0603.03. Lighting: intensity.

The light intensity in a food facility shall be all of the following:

A. At least 110 lux (10 footcandles) at a distance of 75 centimeters (30 inches) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning.

B. At least 220 lux (20 footcandles) at each of the following locations:

(1) At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption.

(2) Inside equipment such as reach-in and under-counter refrigerators.

(3) At a distance of 75 centimeters (30 inches) above the floor in areas used for hand-washing, ware-washing and equipment and utensil storage, and in toilet rooms.

C. At least 540 lux (50 footcandles) at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders or saws where employee safety is a factor.

§ 251-0603.04. Mechanical ventilation as needed.

If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes in a food facility, mechanical ventilation of sufficient capacity shall be provided.

§ 251-0603.05. Requirement and designation of dressing areas and storage areas.

A. Designation. Dressing rooms or dressing areas shall be designated in a food facility if employees routinely change their clothes in that facility.

B. Storage of employees' clothing and possessions. Lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

Cross-references

This section is cited in 7 Pa. Code § 46.1029 (relating to other personal care items: storage).

§ 251-0603.06. Utility sinks.

A utility sink or curbed cleaning facility shall be provided as specified in § 251-0502.03C (relating to numbers and capacities of plumbing facilities).

D
Location and Placement

§ 251-0604.01. Hand-washing facilities: located for convenience.

Hand-washing facilities in a food facility shall be conveniently located as specified in § 251-0502.04A (relating to location and placement of plumbing facilities).

§ 251-0604.02. Toilet rooms: located for convenience.

Toilet rooms in a food facility shall be conveniently located and accessible to employees during all hours of operation.

§ 251-0604.03. Employee accommodations: located to prevent contamination.

A. Designated eating, drinking and smoking areas. Areas designated for employees to eat, drink and use tobacco shall be located so that food, equipment, linens and single-service and single-use articles are protected from contamination.

B. Lockers and other facilities. Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens and single-service and single-use articles cannot occur.

§ 251-0604.04. Distressed merchandise: segregated.

Products that are held by the food facility operator for credit, redemption or return to the distributor such as damaged, spoiled or recalled products, shall be segregated and held in designated areas that are separate from food, equipment, utensils, linens and single-service and single-use articles.

Cross-references

This section cited in 7 Pa. Code § 46.281 (relating to preventing contamination of packaged and unpackaged food: separation, packaging and segregation).

§ 251-0604.05. Refuse, recyclables and returnables: receptacles, waste handling units and designated storage areas.

Units, receptacles and areas designated for storage of refuse and recyclable and returnable containers shall be located as specified in § 46.883[40] (relating to location of storage areas, redeeming machines, receptacles and waste-handling units).

40. Editor's Note: See 7 Pa. Code § 46.883.

E
Maintenance and Operation

§ 251-0605.01. Premises, structures, attachments and fixtures: methods.

A. General requirement. The physical facilities of a food facility shall be maintained in good repair.

B. Cleaning: frequency and limitations.

(1) The physical facilities of a food facility shall be cleaned as often as necessary to keep them clean.

(2) Cleaning shall be done during periods when the least amount of food is exposed such as after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

C. Cleaning floors by dustless methods.

(1) Except as specified in Subsection C(2), only dustless methods of cleaning shall be used (such as wet cleaning, vacuum cleaning, mopping with treated dust mops or sweeping using a broom and dust-arresting compounds).

(2) Spills or drippage on floors that occur between normal floor cleaning times shall be cleaned as follows:

(a) Without the use of dust-arresting compounds.

(b) In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

D. Cleaning ventilation systems without causing contamination, health hazard or nuisance.

(1) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt and other materials.

(2) If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge.

E. Preventing contamination by cleaning maintenance tools. Food preparation sinks, hand-washing sinks and ware-washing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials or the disposal of mop water and similar liquid wastes.

F. Drying mops. After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment or supplies.

G. Absorbent materials on floors: use limitation. Except as specified in Subsection C(2), sawdust, wood shavings, granular salt, baked clay, diatomaceous earth or similar materials may not be used on floors.

H. Maintaining and using hand-washing facilities. Hand-washing facilities shall be kept clean, and maintained and used as specified in § 251-0502.05A (relating to operation and maintenance of plumbing facilities).

I. Closing toilet room doors. Toilet room doors as specified in § 251-0602.02D (relating to functionality of various physical facilities of a food facility) shall be kept closed except during cleaning and maintenance operations.

J. Using dressing rooms and lockers. Dressing rooms shall be used by employees if the employees regularly change their clothes in the facility. Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

K. Controlling pests. The presence of insects, rodents and other pests shall be controlled to minimize their presence on the premises by all of the following:

(1) Routinely inspecting incoming shipments of food and supplies.

(2) Routinely inspecting the premises for evidence of pests.

(3) Using methods, if pests are found, such as trapping devices or other means of pest control as specified in § 251-0702.06B and C (relating to pesticides).

(4) Eliminating harborage conditions.

L. Removing dead or trapped birds, insects, rodents and other pests. Dead or trapped birds, insects, rodents and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition or the attraction of pests.

M. Storing maintenance tools. Maintenance tools (such as brooms, mops, vacuum cleaners and similar items) shall be stored so that they do not contaminate food, equipment, utensils, linens and single-service and single-use articles, and in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

N. Removing unnecessary items and litter from the premises. The premises of a food facility shall be free of items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used, and litter.

Cross-references

This section cited in 7 Pa. Code § 46.884 (relating to operation and maintenance of storage areas, redeeming machines, receptacles and waste handling units).

§ 251-0605.02. Limitations on animals.

A. General. Live animals may not be allowed on the premises of a food facility, unless under an exception specified in Subsection B.

B. Exceptions.

(1) Live animals may be allowed only in the following situations, and if the contamination of food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles cannot result:

(a) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems.

(b) Patrol dogs accompanying police or security officers in offices and dining, sales and storage areas, and sentry dogs running loose in outside fenced areas.

(c) Service animals that are controlled by the disabled employee or person, in areas that are not used for food preparation and that are usually open for customers (such as dining and sales areas), if a health or safety hazard will not result from the presence or activities of the service animal.

(d) Pets in the common dining areas of institutional care facilities (such as nursing homes, assisted-living facilities, group homes or residential-care facilities) at times other than during meals if all of the following are accurate:

[1] Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas.

[2] Condiments, equipment and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present.

[3] Dining areas including tables, countertops and similar surfaces are effectively cleaned before the next meal service.

(e) Caged animals or animals that are similarly restrained in areas that are not used for food preparation, storage, sales, display or dining, such as in a variety store that sells pets or a tourist park that displays animals.

(2) Live or dead fish bait may be stored if contamination of food, clean equipment, utensils and linens; and unwrapped single-service and single-use articles cannot result.

Part 7
Poisonous Or Toxic Materials

A
Labeling and Identification

§ 251-0701.01. Poisonous or toxic substances: original containers to display identifying information.

Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

Cross-references

This section cited in 7 Pa. Code § 46.1027 (relating to medicines); and 7 Pa. Code § 46.1028 (relating to first aid supplies: storage).

§ 251-0701.02. Poisonous or toxic substances: working containers labeled with common name.

Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

B
Operational Supplies and Applications

§ 251-0702.01. Poisonous or toxic substances: storage.

Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens and single-service and single-use articles by taking both of the following measures:

A. Separating the poisonous or toxic materials by spacing or partitioning.

B. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens and single-service or single-use articles. This subsection does not apply to equipment and utensil cleaners and sanitizers that are stored in ware-washing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens and single-service and single-use articles.

§ 251-0702.02. Poisonous or toxic substances: limitations on presence and use.

A. Limitation. Only those poisonous or toxic materials that are required for the operation and maintenance of a food facility, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a food facility. This section does not apply to packaged poisonous or toxic materials that are for retail sale.

B. Conditions of use. Poisonous or toxic materials shall be used in a lawful manner according to the following:

(1) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food facility.

(2) The conditions of certification, if certification is required, for use of the pest control materials.

(3) Additional conditions that may be approved by the Department.

C. Conditions of application. Poisonous or toxic materials shall be applied so that the following are accurate:

(1) A hazard to employees or other persons is not constituted.

(2) Contamination (including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens and single-service and single-use articles) is prevented, and for a restricted-use pesticide, this is achieved by doing all of the following:

(a) Removing the items.

(b) Covering the items with impermeable covers, or taking other appropriate preventive actions.

(c) Cleaning and sanitizing equipment and utensils after the application.

D. Applicator. A restricted use pesticide shall be applied only by an applicator certified in accordance with the Pennsylvania Pesticide Control Act of 1973 (3 P.S. §§ 111.21 through 111.61) or a person under the direct supervision of a certified applicator.

Cross-references

This section cited in 7 Pa. Code § 46.1026 (relating to pesticides).

§ 251-0702.03. Prohibition of use of poisonous or toxic material containers to store food.

A container previously used to store poisonous or toxic materials may not be used to store, transport or dispense food.

§ 251-0702.04. Chemicals: use criteria.

A. Sanitizers. Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 21 CFR 178.1010 (relating to sanitizing solutions).

B. Chemicals for washing fruits and vegetables. Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315 (relating to chemicals used in washing or to assist in the peeling of fruits and vegetables).

C. Boiler water additives. Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310 (relating to boiler water additives).

D. Drying agents.

(1) Drying agents used in conjunction with sanitization shall contain only components that are listed as one or more of the following:

(a) Generally recognized as safe for use in food as specified in 21 CFR 182 (relating to substances generally recognized as safe) or 21 CFR 184 (relating to direct food substances affirmed as generally recognized as safe).

(b) Generally recognized as safe for the intended use as specified in 21 CFR 186 (relating to indirect food substances affirmed as generally recognized as safe).

(c) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181 (relating to prior-sanctioned food ingredients).

(d) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR Parts 175 through 178.

(e) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 (relating to threshold of regulation for substances used in food-contact articles).

(2) When sanitization is with chemicals, the approval required in Subsection D(1)(c) or (e), or the regulation as an indirect food additive required in Subsection D(1)(d), shall be specifically for use with chemical sanitizing solutions.

Cross-references

This section cited in 7 Pa. Code § 46.285 (relating to washing raw fruits and vegetables).

§ 251-0702.05. Lubricants that have incidental contact with food: criteria.

Lubricants shall meet the requirements specified in 21 CFR 178.3570 (relating to lubricants with incidental food contact) if they are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip or be forced into food or onto food-contact surfaces.

§ 251-0702.06. Pesticides.

A. Restricted use pesticides: criteria. Restricted use pesticides specified in § 251-0702.02D (relating to poisonous or toxic substances: limitations on presence and use) shall meet the requirements of a restricted use pesticide as specified in § 251-0101.03 (relating to definitions). This section requires restricted use pesticides be one of the following:

(1) Classified for restricted use under Section 3(d) of the Federal Insecticide, Fungicide and Rodenticide Act of 1947 [7 U.S.C.A. § 136a(d)].

(2) A pesticide designated by the Secretary for restricted use under Section 7(b)(6) of the Pennsylvania Pesticide Control Act of 1973 [3 P.S. § 111.27(b)(6)].

B. Rodent bait stations. Rodent bait shall be contained in a covered, tamper-resistant bait station.

C. Tracking powders: pesticides and nontoxics. A tracking powder pesticide may not be used in a food facility. A nontoxic tracking powder (such as talcum or flour) may be used in a food facility if it will not contaminate food, equipment, utensils, linens and single-service and single-use articles.

Cross-references

This section cited in 7 Pa. Code § 46.981 (relating to premises, structures, attachments and fixtures: methods).

§ 251-0702.07. Medicines.

A. Limitation and storage.

(1) Only those medicines that are necessary for the health of employees shall be allowed in a food facility. This section does not apply to medicines that are stored or displayed for retail sale.

(2) Medicines that are in a food facility for the employees' use shall be labeled as specified in § 251-0701.01 (relating to poisonous or toxic substances: original containers to display identifying information) and located to prevent the contamination of food, equipment, utensils, linens and single-service and single-use articles.

B. Refrigerated medicines: storage. Medicines belonging to employees or to children in a day-care center that require refrigeration and are stored in a food refrigerator shall be in compliance with the following:

(1) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines.

(2) Located so they are inaccessible to children.

Cross-references

This section cited in 7 Pa. Code § 46.1029 (relating to other personal care items: storage).

§ 251-0702.08. First aid supplies: storage.

First aid supplies that are in a food facility for the employees' use shall be both of the following:

A. Labeled as specified in § 46.1001[41] (relating to poisonous or toxic substances: original containers to display identifying information).

B. Stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, linens and single-service and single-use articles.

Cross-references

This section cited in 7 Pa. Code § 46.1029 (relating to other personal care items: storage).

§ 251-0702.09. Other personal care items: storage.

Except as specified in §§ 251-0702.07B and 251-0702.08 (relating to medicines; and first aid supplies: storage), employees shall store their personal care items in facilities as specified in § 251-0603.05B (relating to requirement and designation of dressing areas and storage areas).

41. Editor's Note: See 7 Pa. Code § 46.1001.

C
Stock and Retail Sale

§ 251-0703.01. Storage and display: separation of poisonous or toxic materials from food.

Poisonous or toxic materials shall be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens and single-service and single-use articles by one or both of the following:

A. Separating the poisonous or toxic materials by spacing or partitioning.

B. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens and single-service or single-use articles.

Part 8
Administrative Procedures

A
Access, Approvals and Variances

§ 251-0801.01. Access to food facilities.

After the Department or licensor presents identification, the person in charge shall allow the Department or licensor to determine if the food facility is in compliance with this chapter by allowing access to the facility, allowing inspection and providing information and records specified in this chapter and to which the Department or licensor is entitled under the Retail Food Safety Act,[42] the Food Safety Act[43] and any other relevant statutory or food regulatory authority during the food facility's hours of operation and other reasonable times if the facility is not open during normal business hours.

Cross-references

This section cited in 7 Pa. Code § 46.1144 (relating to conditions of retention: responsibilities of the food facility operator).

§ 251-0801.02. Obtaining department or licensor approval.

A. General. This section describes the process by which a person may obtain an approval from the Department or a licensor required by any other provision of this chapter.

B. Written request. A person seeking an approval from the Department or a licensor under this chapter shall submit a written request for approval to the entity from which approval is sought. If approval is sought from the Department, the written request shall be mailed or delivered to the following address:

Pennsylvania Department of Agriculture

Bureau of Food Safety and Laboratory Services

Attn: Chief, Division of Food Safety

2301 North Cameron Street

Harrisburg, Pennsylvania 17110-9408

C. Contents of request. The written request for approval described in Subsection B shall specify the provision of this chapter under which approval is sought, the reason approval is sought and relevant documentation in support of the request.

D. Processing a request. The Department or licensor will, within 30 days of receipt of a written request for approval under this section, mail or otherwise provide the requester with a written grant or denial of the request, or a specific request for additional information. If a written request for additional information is made, the Department or licensor shall have

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42. Editor's Note: See 3 Pa.C.S.A. § 5701 et seq.

43. Editor's Note: See 3 Pa.C.S.A. § 5721 et seq.

an additional 30 days from the date it receives the additional information within which to mail or otherwise provide the requester with a written grant or denial of the request.

E. Standard for approval. The Department or licensor shall grant approval if it determines the approval would not constitute or cause a violation of the Food Safety Act,[44] the Retail Food Safety Act[45] or this chapter, and that no health hazard would result from the approval.

§ 251-0801.03. Variances.

A. Modifications and waivers. The Department may grant a variance by modifying or waiving the requirements of this chapter if-in the opinion of the Department-a health hazard will not result from the variance. If a variance is granted, the Department will retain the information specified in Subsection B in its records for the food facility.

B. Documentation of proposed variance and justification. Before a variance from a requirement of this chapter is approved, the information that shall be provided by the person requesting the variance and retained in the Department's file on the food facility includes the following:

(1) A statement of the proposed variance of the chapter requirement citing relevant chapter section numbers.

(2) An analysis of the rationale for how the potential public health hazards addressed by the relevant chapter sections will be alternatively addressed by the proposal.

(3) An HACCP plan, if required as specified in § 251-0802.02A(1) (relating to HACCP plans), that includes the information specified in § 251-0802.02B as it is relevant to the variance requested.

C. Conformance with approved procedures. If the Department grants a variance as specified in Subsection A, or an HACCP plan is otherwise required as specified in § 251-0802.02A, the food facility operator shall do the following:

(1) Comply with the HACCP plans and procedures that are submitted as specified in § 251-0802.02B and approved as a basis for the modification or waiver.

(2) Maintain and provide to the Department, upon request, records specified in § 251-0802.02B(4) and (5) that demonstrate that the following are routinely employed:

(a) Procedures for monitoring critical control points.

(b) Monitoring of the critical control points.

(c) Verification of the effectiveness of an operation or process.

(d) Necessary corrective actions if there is failure at a critical control point.

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44. Editor's Note: See 3 Pa.C.S.A. § 5721 et seq.

45. Editor's Note: See 3 Pa.C.S.A. § 5701 et seq.

Cross-references

This section cited in 7 Pa. Code § 46.3 (relating to definitions); 7 Pa. Code § 46.361 (relating to cooking raw animal-derived foods); 7 Pa. Code § 46.401 (relating to variance requirement for specialized processing methods); 7 Pa. Code § 46.589 (relating to molluscan shellfish tanks); 7 Pa. Code § 46.1124 (relating to preoperational inspection of construction); and 7 Pa. Code § 46.1144 (relating to conditions of retention: responsibilities of the food facility operator).

B
Plan Submission and Approval

§ 251-0802.01. Facility and operating plans.

A. When plans are required. A food facility licensing applicant or food facility operator shall have plans and specifications reviewed by the Department or licensor and will submit these properly prepared plans and specifications (as described in Subsection B) to the Department or licensor for review and approval (using the procedure described in § 251-0803.02 (relating to application procedure for appropriate license or registration) before any of the following:

(1) The construction of a food facility.

(2) The conversion of an existing structure for use as a food facility.

(3) The remodeling of a food facility (including installation and use of any new major food equipment for heating, cooling and hot and cold holding food) or a change of type of food facility or food operation if the Department or licensor determines that plans and specifications are necessary to ensure compliance with this chapter.

(4) A change of ownership of a food facility.

B. Contents of the plans and specifications. The plans and specifications for a food facility shall include (as required by the Department or licensor based on the type of operation, type of food preparation and foods prepared) the following information to demonstrate conformance with this chapter:

(1) Intended menu and consumer advisory intentions, if a consumer advisory is required under § 251-0311.03 (relating to consumer advisory required with respect to animal-derived foods that are raw, undercooked or not otherwise processed to eliminate pathogens).

(2) Anticipated volume of food to be stored, prepared and sold or served.

(3) Proposed layout; mechanical schematics, construction materials and finish schedules.

(4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities and installation specifications.

(5) Source of water supply, means of sewage disposal and refuse disposal.

(6) An HACCP plan, if required under § 251-0802.02 (relating to HACCP plans).

(7) Other information that may be required by the Department or licensor for the proper review of the proposed construction, conversion or modification of a food facility, and requested by the Department or licensor in writing.

Cross-references

This section cited in 7 Pa. Code § 46.1122 (relating to HACCP plans); 7 Pa. Code § 46.1123 (relating to confidentiality of trade secrets); 7 Pa. Code § 46.1143 (relating to issuance); and 7 Pa. Code § 46.1144 (relating to conditions of retention: responsibilities of the food facility operator).

§ 251-0802.02. HACCP plans.

A. When a HACCP plan is required.

(1) Before engaging in an activity that requires a HACCP plan, a food facility applicant or food facility operator shall submit to the Department or licensor for approval a properly prepared HACCP plan as specified in Subsection B and the relevant provisions of this chapter if any of the following occurs:

(a) Submission of a HACCP plan is required according to applicable federal or state laws.

(b) A variance is required as specified in § 251-0303.10B(2), 251-0309.01D(2), 251-0311.01 or 251-0405.09B.

(c) The Department or licensor determines that a food preparation or processing method requires a variance based on a plan submittal specified in § 251-0802.01B (relating to facility and operating plans), an inspectional finding or a variance request.

(2) A food facility applicant or food facility operator shall have a properly prepared HACCP plan as specified in § 46.402[46] (relating to reduced oxygen packaging).

B. Contents of a HACCP plan. For a food facility that is required in Subsection A to have a HACCP plan, the plan and specifications shall indicate the following:

(1) A categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the Department or licensor.

(2) A flow diagram by specific food or category type identifying critical control points and providing information on the following:

(a) Ingredients, materials and equipment used in the preparation of that food.

(b) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.

(3) Food employee and supervisory training plan that addresses the food safety issues of concern.

(4) A statement of standard operating procedures for the plan under consideration including clearly identifying the following:

(a) Each critical control point.

(b) The critical limits for each critical control point.

(c) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge.

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46. Editor's Note: See 7 Pa. Code § 46.402.

(d) The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points.

(e) Action to be taken by the person in charge if the critical limits for each critical control point are not met.

(f) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed.

(5) Additional scientific data or other information, as required by the Department or licensor, supporting the determination that food safety is not compromised by the proposal.

Cross-references

This section cited in 7 Pa. Code § 46.366 (relating to treating juice); 7 Pa. Code § 46.402 (relating to reduced oxygen packaging); 7 Pa. Code § 46.461 (relating to additional safeguards for a food facility that serves a highly susceptible population); 7 Pa. Code § 46.1103 (relating to variances); 7 Pa. Code § 46.1121 (relating to facility and operating plans); 7 Pa. Code § 46.1123 (relating to confidentiality of trade secrets); and 7 Pa. Code § 46.1144 (relating to conditions of retention: responsibilities of the food facility operator).

§ 251-0802.03. Confidentiality of trade secrets.

The Department will treat as confidential information that meets the criteria specified in law for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified in §§ 251-0802.01B and 251-0802.02 (relating to facility and operating plans; and HACCP plans).

§ 251-0802.04. Preoperational inspection of construction.

The Department or licensor will conduct one or more preoperational inspections to verify that the food facility is constructed and equipped in accordance with the approved plans and approved modifications of those plans, and variances granted under § 251-0801.03 (relating to variances). The Department or licensor will also verify the food facility is otherwise in compliance with this chapter, the Food Safety Act[47] and the Retail Food Safety Act.[48]

Cross-references

This section cited in 7 Pa. Code § 46.1143 (relating to issuance).

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47. Editor's Note: See 3 Pa.C.S.A. § 5721 et seq.

48. Editor's Note: See 3 Pa.C.S.A. § 5701 et seq.

C
Requirements for Operation

§ 251-0803.01. Requirement: license or registration.

A. General requirement. A person may not operate a food facility without a valid registration issued by the Department, or license issued by the Department or licensor, unless otherwise provided in Subsection B.

B. Exceptions.

(1) A building, structure or place owned, leased or otherwise in possession of a person or municipal corporation or public or private organization, used or intended to be used by two or more farmers or an association of farmers for the purpose of selling food directly to consumers-otherwise known as a farmer's market-shall be considered to be a single retail food establishment for purposes of registration under 3 Pa.C.S.A. § 5734 (31 P.S. § 20.14).

(2) The following food establishments are exempt from registration requirements under 3 Pa.C.S.A. § 5734:

(a) Vehicles used primarily for the transportation of a consumer commodity in bulk or quantity to manufacturers, packers, processors or wholesale or retail distributors.

(b) A food establishment in which at least 50% of the commodities sold were produced on the farm on which the food establishment is located.

(c) A food establishment in which food or beverages are sold only through a vending machine.

(d) A food establishment in which only prepackaged, non-potentially hazardous food or beverages are sold.

§ 251-0803.02. Application procedure for appropriate license or registration.

Prior to the opening of a food facility, the operator shall contact the Department or licensor to obtain the appropriate application form for the required license or registration. The Department or licensor will supply the applicant the appropriate form, based upon the type of food facility involved. If the food facility is a public eating and drinking place, the applicant shall obtain a license. If the food facility is a retail food establishment, the applicant must obtain a registration. A single location (such as a grocery store that also serves hot ready-to-eat foods) might require both a license and a registration.

Cross-references

This section cited in 7 Pa. Code § 46.1121 (relating to facility and operating plans); and 7 Pa. Code § 46.1143 (relating to issuance).

§ 251-0803.03. Issuance.

A. New, converted or remodeled food facilities. For food facilities that are required to submit plans as specified in § 251-0802.01A (relating to facility and operating plans), the

Department will issue a registration, or the Department or licensor will issue a license to the applicant after the following occur:

(1) The required plans, specifications and information are reviewed and approved.

(2) A preoperational inspection, as described in § 251-0802.04 (relating to preoperational inspection of construction) shows that the facility is built or remodeled in accordance with the approved plans and specifications and that the facility is in compliance with this chapter.

(3) A properly completed application is submitted.

(4) The required fee is submitted.

B. License or registration renewal. The food facility operator of an existing food facility shall submit an application, the required fee and be in compliance with this chapter prior to issuance by the Department of a renewed registration or license, or the issuance of a renewed license by the Department or a licensor.

C. Change of ownership. Licenses and registrations are nontransferable. New owners shall apply to the Department or licensor in accordance with § 251-0803.02 (relating to application procedure for appropriate license or registration).

§ 251-0803.04. Conditions of retention: responsibilities of food facility operator.

To retain a license or registration issued by the Department or licensor under this chapter, a food facility operator shall do the following:

A. Post the license or registration in a location in the food facility that is conspicuous to consumers and the Department or licensor.

B. Comply with this chapter-including the conditions of a granted variance as specified in § 251-0801.03C (relating to variances), and approved plans as specified in § 251-0802.01B (relating to facility and operating plans).

C. If a food facility is required in § 251-0802.02A (relating to HACCP plans) to operate under a HACCP plan, comply with the plan as specified in § 251-0801.03C.

D. Immediately contact the Department or licensor to report an illness of a food employee as specified in § 251-0202.01B (relating to duty to report disease or medical condition).

E. Immediately discontinue operations and notify the Department or licensor if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent food-borne illness outbreak, gross unsanitary occurrence or condition or other circumstance that may endanger public health. A food facility operator need not discontinue operations in an area of a facility that is unaffected by the imminent health hazard.

F. Not resume operations discontinued in accordance with Subsection E or otherwise according to the Retail Food Safety Act[49] or the Food Safety Act[50] until approval is obtained from the Department or licensor.

G. Allow representatives of the Department or licensor access to the food facility as specified in § 251-0801.01 (relating to access to food facilities).

H. Except as specified in Subsection I, replace existing facilities and equipment with facilities and equipment that comply with this chapter if either of the following occurs:

(1) The Department or licensor directs the replacement because the facilities and equipment constitute a public health hazard or no longer comply with the criteria upon which the facilities and equipment were accepted.

(2) The facilities and equipment are replaced in the normal course of operation.

I. Upgrade or replace refrigeration equipment as specified in § 251-0310.05A(3) (relating to potentially hazardous food: hot and cold holding), by December 13, 2008, if the circumstances specified in Subsection H(1) and (2) do not occur first, and unless a variance has been approved as specified in § 251-0801.03.

J. Comply with directives of the Department or licensor including time frames for corrective actions specified in inspection reports, notices, orders, warnings and other directives issued by the Department or licensor in regard to the operator's food facility or in response to community emergencies.

K. Accept notices issued and served by the Department or licensor according to the Retail Food Safety Act[51] or the Food Safety Act.[52]

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49. Editor's Note: See 3 Pa.C.S.A. § 5701 et seq.

50. Editor's Note: See 3 Pa.C.S.A. § 5721 et seq.

51. Editor's Note: See 3 Pa.C.S.A. § 5701 et seq.

52. Editor's Note: See 3 Pa.C.S.A. § 5721 et seq.

Part 9
Administration

A
Administration and Enforcement

§ 251-0901.01. References. [Amended 8-26-2013 by Ord. No. 35-2013]

All references to "Department" in the Food Code shall be understood to refer to the City of Reading Property Maintenance and Health Division. All references to "licensor" shall be understood to refer to the City of Reading Property Maintenance and Health Division.

§ 251-0901.02. Enforcement.

A. Enforcement authority. The Food Code shall be enforced by the Health Officer or his/her designee of the City of Reading.

B. Inspections. Inspections of food selling establishments shall be conducted by the Health Officer or their assign semiannually. Mobile vendors shall have their vehicle inspected before a health license is granted.

C. Inspectors. There shall be assigned two full-time inspectors as the assign of the Health Officer to perform inspections under the Food Code and uphold the provisions of the Health Code.

D. Training. Inspectors assigned by the Health Officer shall be provided with training courses paid for by the City and shall in due course achieve certification such as offered by the Commonwealth of Pennsylvania or other certifying agencies.

E. Equipment. All inspectors assigned by the Health Officer shall be provided with a vehicle and thermometer registering range of -20° F. to +220° F. plus all the equipment and tools necessary to properly inspect food selling establishments and mobile food vendors as established by this Food Code and the Health Officer of the City.

§ 251-0901.03. 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, nonsuspended/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: **[Amended 12-9-2013 by Ord. No. 73-2013]**

Small restaurant

Large restaurant

Itinerant restaurant

Ancillary restaurant

Supermarket

One-item wholesale

Multi-item wholesale

Vending machine (enclosed)

Vending machine (public right-of-way)

Mobile vending unit

Catering/commissary

Bakery

Delicatessen

(2) Several types of food facilities are exempt from complying with the food employee certification under this Part. Exempt facilities include:

(a) Food establishments where only commercially prepackaged food is handled and sold.

(b) Food establishments that do not handle potentially hazardous foods.

(c) Food manufacturing facilities engaged in the manufacture of prepackaged non-potentially hazardous food.

(d) An organization classified as tax-exempt under § 501(c)(3) of the Internal Revenue Code of 1986.

(e) Food establishments managed on a not-for-profit basis by a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agriculture fair or agricultural association or any separately chartered auxiliary of any of the above.

(f) A food establishment managed on a not-for-profit basis by organizations supporting extracurricular recreational activities for youth of all public, private and parochial school systems. Examples: school booster clubs, Little League or Midget Football Associations.

B. Application. Prior to commencement of operation of a facility governed by this Part, the business owner thereof must apply for a health license with the City of Reading Codes Enforcement Office. Such application will be a completed form prepared and provided by the City of Enforcement Codes Enforcement Office, submitted thereto and accompanied by a $50 processing fee. Upon approval, the applicable fee as established in Chapter 212,Fees, will further be required to obtain a health license.[53] **[Amended 4-13-2009 by Ord. No. 15-2009]**

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53. Editor's Note: Original § 10-1212.03.3, Fees, as amended 4-13-2009 by Ord. No. 15-2009, which immediately followed this subsection, was repealed during codification (see Ch. 1, General Provisions, Part 2).

C. Inspection. An issuance of a license is subject to an inspection of the premises for compliance with the provisions hereof by a City of Reading Health Inspector.

D. Issuance. Upon completion and passage of an inspection of the subject premises by a City of Reading Health Inspector per the requirements hereof, a health license for operation of a facility governed hereby shall be issued by the City of Reading Health Officer of his/her designee.

E. Posting. Such permit shall be posted in a conspicuous place.

F. Period. A health license issued for the operation of a facility, business or premises governed by this code shall be good for a period of one year commencing on the issuance date.

G. Renewal. One month prior to expiration of the health license, an application for renewal thereof shall by issued to the business owner on behalf of the Health Officer of the City of Reading. The owner of the business or establishment governed by this code shall, upon receipt of the application for renewal of a health permit, complete and submit the application with the appropriate fee to the Health Office. A business owner or establishment shall be compliant with all inspection requirements prior to expiration of the preceding year's permit and renewal of the forthcoming year's permit. Failure of the Health Office to issue an application for renewal of a health permit shall not be a defense. The responsibility of timely renewing a health permit is on the owner of the business or establishment.

H. Failure to pay health license by due date. Double the amount of the license fee shall be collected from any business owner who fails to timely submit an application and pay the fee for renewal of a health permit by the due date printed on the bill and in no event later than the date of expiration of the prior permit. Doubling of the fee is in addition to the penalties set forth herein.

§ 251-0901.04. Inspections.

A. Frequency. At least twice annually, the Health Officer shall inspect every restaurant located within the City, one of which may or may not be an inspection for application or renewal of permit.

B. Access to premises and records. The person operating the restaurant shall upon request of the Health Officer permit access to all parts of the establishment and shall permit copying any or all records of food purchased, including taking food samples for the purpose of testing.[54]

C. Inspection report. Upon completion of an inspection, the Health Officer or his/her designee shall prepare a report of his/her findings. One copy of the inspection report shall be given by the Health Officer or his/her designee to the owner or agent of the owner of the restaurant. A copy shall be kept on file on the premises. Another copy of the inspection report shall be filed with the records of the Property Improvement Division.

D. Violation notice. If during an inspection a Health Inspector or designee of the Health Officer determines that the holder of any health license has violated any of the provisions of

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54. Editor's Note: Original § 10-1212.04.4, Administrative fee for failure to be present at scheduled inspection, which immediately followed this subsection, was repealed during codification (see Ch. 1, General Provisions, Part 2).

this Food Code, the Inspector shall serve written notice upon such licensee of the violations found. The violation notice may be in conjunction with or as part of the inspection report provided it meets the criteria set forth herein. The violation notice shall.

(1) Be in writing.

(2) Include a description of the business and real estate sufficient for identification.

(3) Include a statement of the violation or violations.

(4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the business into compliance with the provisions of this code.

(5) Inform the business owner of the right to appeal.

(6) Include a statement that failure to correct the violation may result in suspension/ revocation of the permit causing closure of the business.

E. Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

(1) By handing it to the business owner or his/her designee person to be served or by posting such notice in a conspicuous place on such business;

(2) Sent by or first-class mail addressed to the last known address; or

(3) Service upon any executive officer of a corporation shall be a sufficient, but not exclusive method of service upon the corporation. Service upon any partner of a partnership shall be a sufficient, but not exclusive method of service upon the partnership.

F. Appeal of violation notice. An appeal from a violation notice be by the business owner by requesting a hearing in writing within 10 days of receipt of the notice addressed to the Health Officer c/o City of Reading Health Office, Room 1-30, City Hall, 815 Washington Street, Reading, PA 19601. The licensee/permittee may appear in person or with counsel and present evidence regarding the violation and show cause why the violation does not exist. The Health Officer shall receive such information, evidence and testimony as may concern the circumstances of the violation, and the formal rules of evidence shall not apply. Within 10 days of conclusion of the appeal hearing, the Health Officer shall issue a decision in writing of his/her determination regarding the existence or lack thereof of a violation of this code.

G. Reinspection. Upon expiration of the time provided to abate/cure/correct the violation as set forth on the violation notice, the Health Inspector shall return to the business to perform an inspection to determine if the violation continues to exist.[55]

§ 251-0901.05. Suspension and revocation of permit/license.

A. Suspension and revocation of permit. If the Health Officer or his/her designee shall determine that any of the provisions of the Food Code, as amended, have been or are being violated, in an egregious or continuing manner, she/he may temporarily suspend or revoke

55. **Editor's Note: Original § 10-1212.05.10, fees for failure to correct violations within time given on violation notice, which immediately followed this subsection, was repealed during codification (see Ch. 1, General Provisions, Part 2).**

such license. Additionally, failure to renew a permit as required herein per the provisions set forth in this code may result in suspension or revocation of said permit. Such suspension or revocation will result in closure of the business/establishment pending compliance, upon inspection, with this code.

B. Hearing.

(1) Notice. The order suspending and/or revoking a health permit shall set forth the date for a hearing requiring the business/establishment owner to appear before the Health Officer to show cause why such license shall not be suspended or revoked. Such notice shall contain a brief statement of the violation, and the time and place of hearing, which shall be held within 10 days after the receipt of notice.

(2) Procedure. The licensee may appear in person or with counsel and present evidence regarding the violation and show cause why the license shall not be revoked. The Health Officer shall receive such information, evidence and testimony as may concern the circumstances of the violation, and the formal rules of evidence shall not apply.

C. Determination. Within five days of completion of the suspension/revocation hearing, the Health Officer shall issue notice in writing to the owner of the business/establishment of his/her determination regarding suspension or revocation of health permit.

D. Reinstatement of license. Reinstatement of suspended or revoked license shall not be effected unless the act, default or omission which was grounds for suspension or revocation shall have been remedied prior to the time of reinstatement.

§ 251-0901.06. Violations and penalties.

A. Violations of the Food Code. Any person firm or corporation who shall violate any provision of the Food Code as herein adopted, shall be, upon conviction thereof; sentenced to a fine of not less than $300 for the first violation, $500 for the second violation and not more than $1,000 for each violation thereafter, plus costs. In default of payment of said fine and costs, the defendant shall be sentenced to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

B. Nonexclusive remedy. The penalty provisions of this section and the license nonrenewal, suspension and revocation procedures provided in this chapter shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this chapter. The remedies and procedures provided in this chapter for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code chapter or ordinance, whether or not such other code or ordinance is referenced in this chapter and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

§ 251-0901.07. Other codes.

Nothing in this code shall be construed to cancel, modify or set aside any provision of any other chapter of the City of Reading Code. Compliance with all other chapters of the City of Reading Code to operate a business or establishment governed by this code shall continue to apply and

govern other aspects of operation thereof not governed by this code, including but not limited construction, zoning, and property maintenance.

Authority

The provisions of this chapter issued under the Food Safety Act (3 Pa.C.S.A. § 5721 et seq.), the Retail Food Facility Safety Act (3 Pa.C.S.A. § 5701 et seq.); and Section 1705(d) of the Administrative Code of 1929 [71 P.S. § 455(d)], unless otherwise noted.

Source

The provisions of this chapter 46 adopted December 12, 2003, effective December 13, 2003, 33 Pa. B 6137, unless otherwise noted.

Chapter 272

GRAFFITI

§ 272-101. Purpose.
§ 272-102. Definitions.
§ 272-103. Prohibited activities.
§ 272-104. Exemptions.
§ 272-105. Removal of graffiti.
§ 272-106. Graffiti abatement hearing.
§ 272-107. Antigraffiti Trust Fund.
§ 272-108. Reward.
§ 272-109. Enforcement procedure.
§ 272-110. Violations and penalties; restitution.

[HISTORY: Adopted by the City Council of the City of Reading 3-23-1998 by Ord. No. 5-1998; amended in its entirety 9-22-2003 by Ord. No. 30-2003 (Ch. 6, Part 3, of the 2001 Code of Ordinances). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 180, Parts 12 and 13.

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§ 272-101. Purpose.

Graffiti contributes to the deterioration of property values, unsightliness and general disorder in a community. Recognizing this community problem, the purpose of this Part is to promote safety and general welfare of the residents/citizens of the City by helping to create a graffiti-free environment.

§ 272-102. Definitions.

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

DIRECTOR — The Director of the Department of Public Works.

GRAFFITI —

A. Any inscription, work, symbol, figure, making or design, including but not limited to tags, throw-ups and pieces, that is marked, etched, scrawled, stained, drawn or painted stuck on or adhered to any surface on public or private property without the express permission of the owner or owner's agent of such property including, but not limited to, any wall, underpass, overpass, trestle, tree, sign, pole, playground apparatus, utility box, building, structure, fixture or other improvement whether permanent or temporary, regardless of the content or nature of the material that has been applied, and which is visible from any public property or the public right-of-way, or from any private property other than the property on which the graffiti exists.

B. Graffiti shall not be construed to apply to easily removable chalk markings on the public sidewalks and streets used in connection with traditional children's games.

GRAFFITI ABATEMENT COSTS AND EXPENSES — The costs and expenses of having the defaced property repaired or replaced when the City determines that removal of the graffiti would not be cost effective; and the law enforcement costs and expenses incurred in identifying and apprehending a responsible party; and the related administrative, overhead and incidental costs incurred in performing or causing the performance of the enforcement, abatement or collection procedures described in this Part and related court costs and attorneys fees.

GRAFFITI IMPLEMENT — Any implement capable of marking a surface to create graffiti, including, but not limited to, aerosol or pressurized paint containers, markers, gum labels, paint brushes or etching tools capable of scarring glass, metal, concrete or wood.

GUM LABELS — Any material such as, but not limited to, decals, stickers, posters or labels which contain a substance commonly known as adhesive or glue, which cannot be removed from the surface in an intact condition and with minimal efforts.

MARKER — Any indelible or permanent marker or similar implement with a point, brush, applicator or other writing surface which at its broadest width is 3/8 of an inch or greater and contains ink that is not water soluble.

MINOR — Any person under the age of 18 years.

PAINT STICK or GRAFFITI STICK — Any device containing a solid form of paint, chalk, wax, epoxy, or other similar substances capable of being applied to a surface by pressure and, upon application, leaving a visible mark and that is not water soluble.

PERSON — Every natural person, firm, corporation, partnership, association or institution.

PIECES — Forms of graffiti represented by detailed, multicolored murals, ranging in size.

PRIVATE PROPERTY — Any land and the improvements thereon owned by any person and includes front, side and rear yards, vacant lots, buildings and other structural improvements, walkways and alleyways and parking areas designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or structure.

PUBLIC OFFICER — Any police officer or any public official authorized to enforce laws of the City of Reading as set forth in the Code of the City.

TAGS — A form of graffiti represented by stylized signatures of a writer's chosen name.

THROW-UPS — A form of graffiti represented by large names or figures written in a bubble style, often with an outline written in a different color than the interior of the letters.

§ 272-103. Prohibited activities.

A. It shall be unlawful for any person to commit any overt act resulting in or attempting to result in an application of graffiti.

B. It shall be unlawful for any person to intentionally, maliciously or wantonly expose or tend to expose another to risk of violence, contempt or hatred on the basis of race, color, creed or religion by the use of what is commonly known as graffiti.

C. It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of 18 years to knowingly assist, aid, abet, allow permit

or encourage said minor to violate the provisions of this Part, as herein defined, either by words, overt act or by failing to act.

D. All persons directly or indirectly involved in acts of graffiti vandalism may be found to be equally responsible and guilty of the act, in addition to the individual who may personally deface the object or area, such as others in the group who knowingly make available the tools, writing materials, ladders, lookouts, materials or assistance, or who knowingly supplies funds to acquire such materials for such purposes.

E. Every person who owns, conducts, operates or manages a retail, commercial establishment selling aerosol containers of spray paint or broad-tipped indelible markers shall place a sign in clear public view at or near the display of such products stating:

GRAFFITI IS A CRIME. ANY PERSON DEFACING REAL OR PERSONAL PROPERTY NOT HIS OR HER OWN WITH PAINT OR ANY OTHER LIQUID OR DEVICE IS GUILTY OF A CRIME PUNISHABLE BY A FINE OF UP TO $1,000 OR A PRISON SENTENCE.

F. It shall be unlawful for any person under the age of 18 to have in their possession any graffiti implement while on any public highway, street, alleyway, sidewalk, park, playground, swimming pool or other public place or property or on private property unless the owner of that property consented to the presence of the paint or marker, whether such person is or not in any automobile, vehicle or other means or method of conveyance.

G. It shall be unlawful for any person to have, in his or her possession, a graffiti implement while in any public park, playground, swimming pool, recreational facility (other than highway, street, alleyway or sidewalk) except authorized employees of the City of Reading or an individual or authorized employee of an individual or company under contract with the City of Reading.

H. It is unlawful for any person to have in his or her possession any graffiti implement on private property closed to the public without permission from the owner or his lawful agent.

§ 272-104. Exemptions.

This prohibition shall not apply to a child using paint or a marker while under the immediate supervision of their parent or legal guardian, a student under direct supervision of their teacher or an employee using paint or a maker at the direction and under the supervision of their employer.

§ 272-105. Removal of graffiti.

A. Wherever a public officer becomes aware of the existence of graffiti on any property, structures or improvements within the City that is visible to the public, the Director, upon such discovery, shall give or cause to be given, notice to remove or effectively obscure such graffiti within five days from receipt of any notice given by the City, and will then inform the Director that such notice has been given. This notice shall include a description of the City of Reading Graffiti Program. This description shall include methods approved for graffiti removal that do not require the use of chemicals. The notice shall be given to the owner, agent or manager of said property, structure or improvement who shall:

(1) Cause the graffiti to be removed or effectively obscured.

(2) Provide written consent and waiver of liability to authorize the Director to remove or effectively obscure any graffiti at no cost to the property owner.

(3) Have the graffiti removed by the City without the owner's consent, consistent with provisions of this Part.

B. The notice may be served by:

(1) Handing the notice to the owner of the property in person.

(2) Posting the notice on or near the front door of the property that is defaced with graffiti.

(3) If the property defaced with the graffiti does not consist of a building, the notice shall be on a placard attached to a stake driven into the ground on the property.

C. Where property defaced by graffiti is owned by a public entity other than the City, the Director shall cause removal of the graffiti only after securing the consent of an authorized representative of the public entity that has jurisdiction over the structure.

D. Whenever the City becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the City shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area than that where the graffiti is located, unless the Director of Public Works determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

E. Prior to entering upon private property or property owned by a public entity other than the City for the purpose of graffiti removal, the City shall attempt to secure the consent of the property owner or responsible party and a release of the City from liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified by this chapter and the notice, or if the City has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the City and consistent with the terms of this section, the City shall commence to remove or repair the graffiti without the consent of the owner.

F. Section 302.9 of the International Property Maintenance Code shall govern unless the property owner or responsible party shall consent and release the City from liability for purposes of graffiti removal.[1,2]

§ 272-106. Graffiti abatement hearing.

At a hearing requested by the property owner, the owner shall be entitled to present evidence and argue that his or her property does not contain graffiti. The determination of the Director after the hearing shall be final and not appealable. After the hearing, if the Director determines that the property contains graffiti, the Director may order that the graffiti be abated.

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1. **Editor's Note: See Ch. 180, Construction Codes, Part 13, International Property Maintenance Code.**
2. **Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).**

§ 272-107. Antigraffiti Trust Fund.

There is hereby created the City of Reading Antigraffiti Trust Fund. Civil and criminal penalties assessed against violators of this Part and public and private sector contributions and grants to the City for graffiti abatement efforts shall be placed in the fund. The Director shall direct the expenditures of monies in the fund which shall be limited to the payment of the cost of removal of graffiti, the costs of administering this Part, public awareness programs and any such other public purpose as may be approved by City Council and the Mayor.

§ 272-108. Reward.

The Mayor or his designee may grant awards up to the sum of $200 for information leading to the arrest and/or conviction of any individual for violating provisions of this Part. Reward funds are to be paid from the Antigraffiti Trust Fund.

§ 272-109. Enforcement procedure. [Added 11-24-2008 by Ord. No. 74-2008]

A. If the party cited for a violation of this Part is a minor/juvenile, a citation may be issued to the minor/juvenile and the parent(s) and/or guardian(s). If cited, the minor/juvenile and parent(s) or guardian(s) shall appear in District Justice Court. The parent(s) or guardian(s) shall be forwarded a copy of the citation of the juvenile, and said citation will be mailed via certified mail, return receipt requested, and will include a warning that the parent(s) is (are) responsible and liable as the juvenile's parent(s). Any and all records of such citations shall be maintained in the City's database. Each violation shall constitute a separate offense.

B. If the parent(s) or guardian(s) has (have) been warned pursuant to Subsection A hereof, then the officer may issue a citation to the parent(s) or guardian(s) for every subsequent violation of this Part. Each violation shall constitute a separate offense.

C. Once a citation is issued, pursuant to Subsection B hereof, each and every subsequent violation of this Part is cause for an officer to issue a citation to the parent(s) or guardian(s) of the juvenile.

D. If any operator of an establishment or any agents or employees of any operator fail to comply with the provisions of this Part, a police officer shall issue a citation for said violation. Each violation shall constitute a separate offense.

§ 272-110. Violations and penalties; restitution. [Amended 11-24-2008 by Ord. No. 74-2008]

A. Any person, firm or corporation who shall violate § 272-103, Prohibited activities, shall be, upon conviction thereof, sentenced to pay a fine of $300 for the first offense and a fine of $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days for a second or subsequent offense.

B. In addition to any penalty in accordance with this Part, the defendant shall make restitution to the victim for damages or loss caused directly or indirectly by the defendant's offense in reasonable amount or manner to be determined by the court.

C. In addition to such penalty, the court may, in imposing sentence, order the defendant to perform community service no less than 50 hours and not to exceed 100 hours.

Chapter 288

HEALTH AND SAFETY

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[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 180, Part 13.

Food code — See Ch. 251.

STATE LAW REFERENCES

Health Officer duties — See 53 P.S. § 37306.

Powers of Board of Health — See 53 P.S. § 37308 et seq.

Disease prevention and control — See 35 P.S. § 521.1 et seq.

Solid waste storage — See 35 P.S. § 6018.104.

Rodent and insect control information — See 71 P.S. § 450.

Releasing poison gas — See 18 P.S. §§ 3302, 3304.

Sewage Facilities Act — See 35 P.S. § 750.1 et seq.

Air pollution — See 35 P.S. § 4001 et seq.

Power to regulate junkyards — See 53 P.S. § 37403(63).

Dog Law — See 3 P.S. § 459-101 et seq.

Part 1
Health Code
[Adopted 9-19-1973 By Ord. No. 40-1973[1] (Ch. 10, Part 1, Of The 2001 Code Of Ordinances)]

§ 288-101. Purpose.

This Part is enacted for the protection of the health, safety and welfare of the people of the City of Reading.

§ 288-102. Definitions. [Amended 5-29-2001 by Ord. No. 14-2001]

As used in this Part, certain terms are defined as follows:

APPROVED — Approved by the Health Officer or his duly appointed representative.

BOARD OF HEALTH — The Board of Health of the City of Reading, Pennsylvania.

CESSPOOL — The unapproved means used, or intended to be used, for the disposal of sewage.

DEBRIS — Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

EMERGENCY — Whenever a condition exists which represents imminent danger to the health, safety and morals of the City.

EXTERMINATION — The control and elimination of insects, rodents or other pests by eliminating their harboring places; by removing or making inaccessible materials that may service as their food or harboring place; by poisoning, spraying or trapping; or by any other recognized legal pest elimination method approved by the Health Officer.

GARBAGE — The animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

HEALTH OFFICER — The Health Officer appointed by the City or his duly authorized representative.

INFESTATION — The presence, within or around any structure, or evidence thereof upon the land parcel, any rats, harmful insects, bacteria or other pests.

INSPECTOR — The authorized inspector of the City.

JUNK — Any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned, junked motor vehicles, including the commercial storage of wrecked automobiles, pending disposition thereof, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in proper containers for the purpose of prompt disposal.

JUNKYARD — Any place where any junk as hereinafter defined, is stored, disposed of or accumulated.

OWNER — Any person, who alone or jointly with others:

A. Shall have legal title or equitable title to the premises; or

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1. **Editor's Note: Ordinance No. 28-2010, Adopted 6-28-2010, Repealed This Part 1, Health Code, To The Extent Inconsistent With Or In Direct Contrast To The Property Maintenance Rules And Regulations, Enacted And Authorized By Ord. No. 28-2010 (Ch. 180, Part 12).**

B. Shall have charge, care, custody or control of any parcel of land and the structures thereupon, as owner, or agent of the owner, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

PERSON — Includes any individual, firm, corporation, association or partnership.

PREMISES — Includes any structure within and all land about such structures, including any parcels contiguous and owned or maintained by the same person. Premises shall also be construed as though it were followed by the words "or any part thereof."

PROPERTY IMPROVEMENT DIVISION — Property Improvement Division of the City of Reading, Pennsylvania.

SEWER CONNECTION — The connection of sanitary waste lines to the sanitary sewer system of the City.

SOLID WASTE — All materials, both organic and inorganic, that are intended for disposal.

§ 288-103. Inspections.

A. The Health Officer and his duly authorized representative are authorized to make necessary inspections of commercial and private premises located within the City, in order to safeguard the health and safety of the general public. He is authorized to enter, for the purpose of examining and surveying, all areas of suspected health hazards in order to determine the degree of threat of such suspected health hazards to the community.

B. If permission to enter upon any premises for the purpose of inspection is denied, the inspecting officer shall apply for a search warrant. He shall supply all necessary affidavits containing knowledge of probable cause for the issuance of a search warrant.

C. Probable cause shall mean:

(1) The affiant has knowledge of a violation of any Health Code provision that may endanger or otherwise affect the health and safety of the inhabitants of the City.

(2) That such entry is for the purpose of reinspecting, necessitated by a previous notice of a health violation.

D. A warrant shall not be required for entry when:

(1) Emergency measures are required when there is imminent danger to public health and safety.

(2) When entry is by permission of, or at the request of, the owner or occupant.

(3) Where an inherent condition requires immediate inspection to determine if an imminent danger to health or safety exists.

(4) When inspections can be made without entering any locked structure or enclosure.

E. No inspector who gains entrance to a dwelling unit for the purpose of inspection, may obtain or furnish evidence of, or testify to, any offense other than a codes violation, except with respect to a misdemeanor or felony involving an act of violence which has been committed in his presence.

§ 288-104. Notice of violation; hearings and appeals.

A. Whenever the Health Officer has cause to believe that a violation exists, contrary to the rules and regulations adopted by this Part, he shall give notice of the violation to the responsible person thereof in the following manner:

(1) The notice shall be in writing, and shall state the place and manner of the violation.

(2) State the nature or condition of it.

(3) State the name of the person who he deems responsible thereof, together with the name of the owner of the premises involved.

(4) State the date of the notice and the number of days allowed for compliance.

(5) Such notice shall be served upon the owner, his agent or occupant, as the case may be, by personal service or by posting the same in a conspicuous place on or about the premises, or by first class mail to the last known address.

B. When in the opinion of the Health Officer an emergency condition exists, a verbal order to the person or persons believed to be responsible shall be as binding as if written notice was given.

C. Any person affected by the notice issued under this Part or any rule or regulation adopted pursuant to it shall, upon request in writing, be granted a hearing by the Health Officer. Such request for hearing shall be filed in the office of the Health Officer within five days after the date the notice of violation was served. Upon request, such person shall contain a brief statement of grounds for a hearing thereon.

D. Upon receipt of a request for hearing, the Health Officer shall within 15 days thereof, set a time and place for such hearing. At the hearing, the petitioner shall be given an opportunity to be heard and show cause why the notice of violation should be modified or withdrawn.

E. After such hearing, the Health Officer shall issue an order sustaining, modifying or withdrawing the notice of violation. Any notice served pursuant to Subsection A of this section shall become a final order if a written request for hearing is not filed within the prescribed time.

F. Any person affected by the Health Officer's final order after hearing thereon pursuant to the provision of Subsections C and D of this section shall have the right to appeal such order within five days in writing with Council, who sitting as a Board of Health, shall review such decision and take testimony and hear such witnesses and make such findings as they shall deem appropriate, and sustain, modify or withdraw the notice of violation. Provided by law, further appeal may be had by any person affected by the final order of Council sitting as the Board of Health to the Court of Common Pleas as provided, however, any appeal to the Court of Common Pleas shall not act as a supersede as to the final order of the Board of Health unless so provided in the order of appeal.

§ 288-105. Reporting health violations; false reports; obstructing inspectors. [Amended 5-29-2001 by Ord. No. 14-2001]

A. All persons reporting violations of this Health Code shall be required to state their name, address and telephone number for the purpose of validating the complaint.

B. No person shall knowingly make to or file with the Property Improvement Division or Health Officer any false, untruthful or misleading statements relative to the application of this Health Code.

C. No person shall willfully resist, obstruct, abuse or interfere with any inspector engaged in the execution of his duties.[2]

§ 288-106. Rodent and insect infestation.

A. Each person shall be responsible for the extermination and control of insect and rodent infestation occurring upon any premises under his care, control or custody.

B. Insect and rodent extermination and control measures used shall be only those approved by the Health Officer, unless such extermination and control measures shall be performed by an approved and licensed professional exterminator.

C. Nonprofessional use of rodenticides shall be limited to anticoagulant-based bait, unless otherwise approved by the Health Officer.

D. Treatment for the extermination and control of insects shall be done only with the use of an approved insecticide.

E. Each person shall be responsible to prevent the ponding, or to correct the condition of surface conditions that cause the ponding and stagnation of water to eliminate breeding places for mosquitoes, bacteria, aquatic growth or other insects.

F. Rain water and surface water shall be properly conducted to the gutter or storm sewer system.

§ 288-107. Sanitary sewer connection; toilet facilities.

A. All premises containing water closet facilities and all premises containing toilet facilities including hand lavatories, urinals and bathtubs or showers shall have waste lines conducted to the City sanitary sewer system, where municipal sewer lines are available.

B. Where toilet facilities are provided for the public, or where toilet facilities are provided for employees, toilet facilities shall be provided for each sex, and shall include hand-washing facilities with hot and cold water, soap dispenser, single-service towels or hand-drying facilities, and approved waste receptacles.

C. The floors and walls of provided toilet facilities shall be impervious to water, smooth and easily cleanable.

D. Toilet rooms without natural light and ventilation shall be provided with an exhaust system activated by the operation of the light switch, capable of changing the total number of cubic feet of air every five minutes.

E. On-lot sewage systems are permitted only where municipal sewer lines are not available. On-lot sewage shall be constructed in accordance with the Pennsylvania Sewage Facilities Act,[3] and shall be approved by the Health Officer.

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2. Editor's Note: Original § 10-106, Solid and liquid wastes, which immediately followed this section, was repealed during codification (see Ch. 1, General Provisions, Part 2).

F. Each property owner shall be responsible for the correction of malfunction of any on-lot sewage system.

G. Potable water, when made available by the City, shall be used in preference to any other water source.

§ 288-108. Incinerators. [Amended 5-29-2001 by Ord. No. 14-2001]

A. Both indoor and outdoor, commercial and noncommercial incinerators shall be of a type approved by the State Department of Environmental Protection.

B. Incinerators used for the reduction of solid waste volumes shall not emit noxious fumes or odors, and the visible effluent shall not exceed the limitations of Ringelmann Chart No. 2 for particulate matter such as smoke, soot and fly ash.

C. The ash, or other residue, from the burning of combustibles in an approved incinerator shall be stored in the same manner as other solid wastes.

D. Incinerators located within structures shall provide a separate room containing storage facilities for materials to be incinerated. Each room shall be provided with adequate ventilation and fire first aid as required by the City Fire Marshal; except for dwelling structures containing no more than two dwelling units.

§ 288-109. Animal bite incidents. [Amended 5-29-2001 by Ord. No. 14-2001; 7-27-2009 by Ord. No. 39-2009]

A. Animal bite incidents shall be reported to the Property Improvement Division and the City Health Officer by the animal owner or the victim providing the name and address of the victim, telephone number if known, age of the victim, the time and the date of the biting incident, the type of animal and the name and address of the attending physician. When known, the report shall include the name and address of the animal owner.

B. Any animal which bites or attacks a human being shall be confined in quarters approved by the City's animal control authority or a police officer. The animal shall be detained and isolated in an approved kennel or at the animal owner's property or at another location approved by the investigating officer. Where the animal is detained is at the discretion of the investigating officer. All animals so detained must be isolated for a minimum of 10 days. Any costs incurred in the detaining and isolation of the animal shall be paid by the offending animal's owner or keeper or both. If the animal's owner or keeper is not known, the Commonwealth of Pennsylvania is responsible for all reasonable costs for holding and detaining the animal.

(1) Within the ten-day quarantine period, the owner shall arrange to have the animal examined by a licensed veterinarian, and return his signed diagnosis and/or opinion to the Property Improvement Division and the City Health Officer on the notice form provided.

(2) In the event that the animal dies within the quarantine period, it shall by the owner's responsibility to report the animal's death to the examining veterinarian and to the

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3. Editor's Note: See 35 P.S. § 750.1 et seq.

Property Improvement Division and the City Health Officer, and further make available the dead carcass for further examination.

(3) No person shall destroy, or have destroyed, any animal involved in a biting incident that is being held within the ten-day quarantine period, unless approved by the Health Officer.

(4) No person shall house, maintain or kennel any animal involved in a biting incident during the ten-day quarantine period unless the owner or operator or person maintaining such housing facility shall be made aware of the animal biting incident and isolation facilities are provided for the animal.

§ 288-110. Communicable diseases.

A. It shall be the responsibility of every physician practicing within the confines of the City to report immediately to the Health Officer any of the notifiable diseases as listed by the State Department of Health.

B. The Health Officer is empowered to declare any person to be quarantined when the nature of his illness is determined to be a threat to public health.

(1) When an emergency exists that threatens the public health, the Health Officer is authorized and empowered to enforce stricter quarantine regulations than herein declared.

(2) The period of quarantine shall be that period of time that the Health Officer considers the disease of the infected person communicable.

C. No person suffering from a quarantinable disease shall enter any hired or public conveyance or common carrier, nor enter upon public areas or places of public gathering.

D. The Health Officer shall order adequate terminal disinfection, cleansing and renovation of premises in all such cases where there was death or removal of a person suffering from quarantinable communicable diseases.[4]

§ 288-111. Animal maintenance. [Amended 11-28-2005 by Ord. No. 88-2005]

A. All persons shall be responsible for the sanitary maintenance of the premises on which any animals are housed, maintained or kenneled.

B. The number of animals housed or maintained within a structure, or upon any premises, shall be limited only to those animals that can be adequately maintained in a clean and sanitary condition as determined by the Health Officer.

C. Animal shelters, or areas in which animals are maintained, shall be permitted only as approved by the Health Officer. Animal shelters shall not be constructed or located in such a manner that it creates a health hazard or nuisance to the adjoining property owners.

D. People owning, harboring or keeping an animal within the City shall not permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or

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4. Editor's Note: Original § 10-112, Launderettes, laundromats and/or coin-operated laundries, which immediately followed this section, was repealed during codification (see Ch. 1, General Provisions, Part 2).

on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

E. Excess animal food shall not be allowed to accumulate in such a manner as to create a food source for bacteria, insects or rodents.

F. No person shall maintain, transport or carry any animal or pet in any eating and drinking establishment, food manufacturing or food service facility, except trained guide dogs for the blind.

G. Owners of leashed or unleashed animals shall be responsible for the removal and disposal of fecal matter deposited by his animal anywhere within the City.[5]

§ 288-112. Dangerous gases.

No person shall use, set off, handle, sell, offer to sell or possess for any purpose, any substance, liquefied gas or gasses designed to incapacitate or render helpless any human being by means of drawing tears, creating nausea, coughing or for creating hysteria or panic or for the purpose of making any building or area untenable by human beings, or any device or apparatus designed to liberate, set off, explode or use such substances, except as permitted by Council.

§ 288-113. Property, structure, fence and sign maintenance; weeds. [Amended 4-25-2005 by Ord. No. 3-2005]

A. Compliance. All commercial, industrial and business properties shall be maintained in such a manner as to comply with the City Health and Sanitary Codes.

B. Fences. All fences and enclosures shall be maintained in a structurally safe and sound condition, and where necessary, shall be covered with a protective coating such as paint, in order to prevent deterioration by the elements.

C. Garages. Private passenger automobile parking garages or enclosures shall be maintained in such a manner that they do not create an accident, fire, health or safety hazard; or to be operated in such a manner as to create excess noise or exhaust fumes that constitute a health hazard or nuisance. All structures shall be maintained in a clean and sanitary condition and where necessary as determined by the Health Officer, shall have a protective covering to prevent deterioration.

D. Signs. Signs located upon any premises or attached to any structure shall be maintained in a structurally safe condition and any loose or overhanging objects that are unsecure shall be removed.

E. Vacant property. All vacant structures shall be secured in such a manner so as to prevent access. All ground-level windows, doors and hatch ways shall be secured, and upper floor doors and windows closed in such a manner so that the building does not constitute a health, fire or safety hazard.

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5. Editor's Note: Original § 10-114, Salvage operations and junkyards, which immediately followed this section, was repealed during codification (see Ch. 1, General Provisions, Part 2).

F. Weeds and rodent control. All premises shall be free from excessive weed and grass growth and dead trees and shall have insect and rodent control so that the property does not constitute a fire, health and safety hazard.

G. It shall be the responsibility of commercial businesses located in residential neighborhoods to maintain the following:

(1) Pavements and curbs shall be clear, clean and free of litter and debris, including glass, cinder, dirt and paper products.

(2) A minimum of 50% of each window must be unlittered with products and signs that would limit a persons view of the interior of the business.

(3) Store windows, doors and entranceways will be clean, tidy in appearance, and will be operable and in good repair.

(4) Entrance doors equipped with a window to provide visual access to the business.

(5) Graffiti on the building and surrounding structures shall be abated in accordance with Chapter 272, Graffiti, of the Code of the City of Reading.

(6) Each commercial business which sells consumable products having wrappings or packaging, such as food, beverages, snacks, toys, sundries, will have one thirty-gallon trash receptacle near the exterior entrance to the building. The business proprietor shall be responsible for the disposal of all trash and litter.

(7) Loitering at commercial businesses located within residential neighborhoods shall be prohibited, in accordance with Chapter 353, Loitering; Obstructing Public Places, of the Code of the City of Reading.[6]

§ 288-114. Enforcement; rules and regulations. [Amended 5-29-2001 by Ord. No. 14-2001]

The Health Officer shall administer and enforce the provisions of this Part and may make rules and regulations necessary for its administration. Such rules and regulations shall not be in conflict with this Part and shall be submitted to Council for approval. If the rules and regulations so submitted to Council are approved by Council, the same shall be filed in the Property Improvement Division and in the office of the City Clerk as an addenda to this Part. Such rules and regulations as may be adopted shall then be deemed to be a part of this Part and to have the same effect as this Part.

§ 288-115. Violations and penalties. [Amended 7-21-1993 by Ord. No. 73-1993; 5-29-2001 by Ord. No. 14-2001]

Whoever violates or fails to comply with the provisions of this Part or any other rule or regulation made in connection with it, shall be, upon conviction thereof, sentenced to a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

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6. Editor's Note: Original Subsection H, regarding enforcement and violations, which immediately followed this section, was repealed during codification (see Ch. 1, General Provisions, Part 2).

Part 2
Indoor Furniture

[Adopted 9-10-2001 By Ord. No. 32-2001[7] (Ch. 10, Part 6, Of The 2001 Code Of Ordinances)]

§ 288-201. Intent and purpose.

Council finds that placement of indoor furniture at any location except inside a structure, residential or otherwise, is detrimental to the well-being of the City residents, as well as to their safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for regulation of placement of said indoor furniture.

§ 288-202. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

INDOOR FURNITURE — Any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

PERSON — Includes any individual, firm, corporation, association or partnership.

§ 288-203. Outside placement of indoor furniture prohibited.

No person shall place or use outside of any structure any indoor furniture, except if said placement is temporary to facilitate maintenance therein.

§ 288-204. Enforcement.

This Part shall be enforced by City Departments of Community Development and Police.

§ 288-205. Violations and penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than $100 nor more than $500, for the first violation, and not less than $200 nor more than $1,000 for the second and subsequent offenses, plus restitution and costs, or in default of payment, to imprisonment for a term not to exceed 30 days. Continuing violations will be subject to citations every five days.

§ 288-206. Remedy cumulative.

The remedies provided herein for the enforcement of this Part, or any remedy provided by law or City ordinance shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the City.

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7. Editor's Note: Ordinance No. 28-2010, Adopted 6-28-2010, Repealed This Part 2, Indoor Furniture, To The Extent Inconsistent With Or In Direct Contrast To The Property Maintenance Rules And Regulations, Enacted And Authorized By Ord. No. 28-2010 (Ch. 180, Part 12).

Part 3
Boarded-Up Structures

[Adopted 8-26-2002 By Ord. No. 43-2002 (Ch. 10, Part 7, Of The 2001 Code Of Ordinances)]

§ 288-301. Definitions.

As used in this Part, certain terms are defined as follows:

BOARD UP — To cover and/or secure structures'/premises' windows, doors and similar type access points with plywood in such a manner to prevent access and/or creation of a health, fire or safety hazard.

PREMISES — A lot, plot or parcel of land, including any structures thereon.

STRUCTURE — That which is built or constructed or a portion thereof.

TITLED OWNER — Any person, firm, partnership or corporation having legal title or interest in a structure and/or premises as recorded in the official records of the state, county or City; or guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

§ 288-302. Reporting requirements.

Titled owners of any and all structures and/or premises shall:

A. Notify the City of Reading Property Maintenance Division of the Department of Community Development, 815 Washington Street, Rm. 1-30, Reading, Pennsylvania 19601, in person or by letter, of the addresses of any and all boarded up (totally or partially) structures and/or premises within seven days of initial boarding up and/or replacement of boarding.

B. Provide information, in person or by letter, for said addresses to the City of Reading Property Maintenance Division of the Department of Community Development during the first 15 days of May and November of each year whether subject structures and/or premises are or remain boarded up and any rehabilitation work performed and/or planned therein. Where no rehabilitation work has been performed or planned, proof that subject structures and/or premises are offered for sale must also be provided as set forth above in this subsection.

C. Notify the Property Maintenance Division of the Department of Community Development, in person or by letter, within seven days whenever boarding is removed.

§ 288-303. Boarding requirements; conformity.

A. Titled owners who now or subsequently own boarded up, board up, or cause to be boarded up, structures and/or premises shall be responsible for the appearance and conformity of any and all boarding and make sure that all boarding is cut to conform with the size of the opening covered and is painted the color to conform with the exterior paint of the structure and/or premises.

B. Titled owners shall be responsible for maintaining painted surfaces in good condition and correct or repaint any peeling, worn, or unpainted surfaces of the boarding materials.

§ 288-304. Enforcement.

The Property Maintenance Division of the Department of Community Development for the City of Reading, Pennsylvania, shall enforce this Part and its sections through its officers, inspectors and/or authorized agents.

§ 288-305. Compliance notice.

Whenever a violation of this Part is found or believed to exist, the enforcement official shall notify the titled owner in writing by mail addressed to him/her at his/her last known address or by posting written notice thereof upon the structure and/or premises involved.

§ 288-306. Work by City; costs as lien.

Upon failure, neglect or refusal of any titled owner so notified to comply with any and all applicable sections of this Part, the enforcement official is authorized to prepare appropriate work orders for performance of work by authorized City of Reading employees or contracted workers to effect compliance. After said compliance work is completed, statements for work performed shall be prepared by appropriate City employees and delivered to the City Treasurer. Said statements shall indicate the description of the premises, titled owner, the cost of work performed and material and shall thereafter constitute a charge and lien against the premises affected, and such lien shall continue in force until the full amount thereof, together with interest at the rate of 6% per annum is paid in full.

§ 288-307. Violations and penalties.

In addition to the lien provided for herein, whoever violates or fails to comply with the provisions of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than $300, nor more than $1,000, plus costs, and restitution as determined for work performed and material, and in default of payment of said fine, costs and restitution, to a term of imprisonment not to exceed 30 days. All fines imposed and collected under the provisions of this Part shall be paid into the City Treasury. Each day that an offense/violation continues shall constitute a separate offense/violation.

Part 4
Stagnant Water Pools

[Adopted 5-27-2003 By Ord. No. 17-2003 (Ch. 10, Part 9, Of The 2001 Code Of Ordinances)]

§ 288-401. Definitions.

As used in this Part, certain terms are defined as follows:

PREMISES — A lot, plot or parcel of land including any structures thereon.

STAGNANT WATER POOL — Stagnant water in pools in which mosquitoes, flies or other insects may multiply including, but not limited to, open containers, sewage lagoons, ditches, roof gutters, wheelbarrows, bird baths, ornamental pools, and swimming pools.

STRUCTURE — That which is built or constructed or a portion thereof.

TITLED OWNER — Any person, firm, partnership or corporation having legal title or interest in a structure and/or premises as recorded in the official records of the state, county or City; or guardian of the estate of any such person, or the executor, or administrator, of the estate of such person if ordered to take possession of real property by a court.

§ 288-402. Stagnant water pool declared to be public nuisance.

Any stagnant water pool:

A. Is detrimental to the safety and welfare of the public.

B. Creates a public health risk/hazard in light of the West Nile virus problem.

C. Shall be deemed a public nuisance constituting a violation.

§ 288-403. Enforcement.

The Property Maintenance Division of the Department of Community Development for the City of Reading, Pennsylvania, shall enforce this Part and its sections through its officers, inspectors and/or authorized agents.

§ 288-404. Compliance notice; appeal.

A. Whenever a violation of this Part is found or believed to exist, the enforcement official shall give written notice to the titled owner personally, or by mail addressed to him/her at his/her last known address, or by posting said written notice thereof upon the premises involved.

B. Required notice shall identify the premises, specifically state the reason why notice is being issued with relevant section(s) of this Part, include a correction order allowing a reasonable time to achieve compliance with this Part, and set forth that any appeal requesting an appeal must be in writing to the Manager of the Property Maintenance Division of the Department of Community Development, City Hall, Rm. 1-130, 815 Washington Street, Reading, Pennsylvania 19601, within the time set forth for compliance. Failure to timely request an appeal in writing will be deemed a waiver of the same.

§ 288-405. Work by City; costs as lien.

Upon failure, neglect or refusal of any titled owner so notified to comply with any and all applicable sections of this Part, the enforcement official is authorized to prepare appropriate work orders for performance of work by authorized City of Reading employees or contracted workers to effect compliance and abatement of any nuisance on the subject premises, including entry onto private property. After said compliance work is completed, statements for work performed shall be prepared by appropriate City employees and delivered to the City Treasurer. Said statements shall indicate the description of the premises, titled owner, the cost of work performed, administrative charge, disposal costs, and all other costs, if any, and shall constitute a charge and lien against the premises affected, and such lien shall continue in force until the full amount thereof, together with interest at the rate of 6% per annum is paid in full.

§ 288-406. Violations and penalties.

In addition to the lien provided for herein, whoever violates or fails to comply with the provisions of this Part shall be, upon conviction thereof, sentenced to pay a fine not less than $300, nor more than $1,000, plus costs, and restitution as determined for work performed and charges assessed and/or paid by the City of Reading, and in default of payment of said fine, costs, restitution, to a term of imprisonment not to exceed 30 days. All fines, restitution, and City charges imposed and collected under the provisions of this Part shall be paid into the City Treasury. Each day that an offense/violation continues shall constitute a separate offense/violation.

Part 5
Unprotected Vehicle Tires

[Adopted 5-27-2003 By Ord. No. 18-2003 (Ch. 10, Part 8, Of The 2001 Code Of Ordinances)]

§ 288-501. Definitions.

As used in this Part, certain terms are defined as follows:

PREMISES — A lot, plot or parcel of land including any structures thereon.

STRUCTURE — That which is built or constructed or a portion thereof.

TITLED OWNER — Any person, firm, partnership or corporation having legal title or interest in a structure and/or premises as recorded in the official records of the state, county or City; or guardian of the estate of any such person, or the executor, or administrator, of the estate of such person if ordered to take possession of real property by a court.

UNPROTECTED VEHICLE TIRE — Any uncovered vehicle tire, abandoned or not, which is located on a premises in such a manner as to expose it to the elements, i.e., rain, snow, etc.

§ 288-502. Unprotected vehicle tire declared to be public nuisance.

Any vehicle tire:

A. Is detrimental to the safety and welfare of the public.

B. Creates a public health risk/hazard in light of the West Nile virus problem.

C. Creates a potential fire hazard.

D. Produces urban blight adverse to the maintenance and continuing development of municipalities.

E. Shall be deemed a public nuisance constituting a violation.

§ 288-503. Enforcement.

The Property Maintenance Division of the Department of Community Development for the City of Reading, Pennsylvania, shall enforce this Part and its sections through its officers, inspectors and/or authorized agents.

§ 288-504. Compliance notice; appeal.

A. Whenever a violation of this Part is found or believed to exist, the enforcement official shall give written notice to the titled owner personally, or by mail addressed to him/her at his/her last known address, or by posting said written notice thereof upon the premises involved.

B. Required notice shall identify the premises, specifically state the reason why notice is being issued with relevant section(s) of this Part, include a correction order allowing a reasonable time to achieve compliance with this Part, and set forth that any appeal requesting an appeal must be in writing to the Manager of the Property Maintenance Division of the Department of Community Development, City Hall, Rm. 1-130, 815 Washington Street, Reading, Pennsylvania 19601 within the time set forth for compliance. Failure to timely request an appeal in writing will be deemed a waiver of the same.

§ 288-505. Work by City; costs as lien.

Upon failure, neglect or refusal of any titled owner so notified to comply with any and all applicable sections of this Part, the enforcement official is authorized to prepare appropriate work orders for performance of work by authorized City of Reading employees or contracted workers to effect compliance and abatement of any nuisance on the subject premises, including entry onto private property. After said compliance work is completed, statements for work performed shall be prepared by appropriate City employees and delivered to the City Treasurer. Said statements shall indicate the description of the premises, titled owner, the cost of work performed, administrative charge, disposal costs, and all other costs, if any, and shall constitute a charge and lien against the premises affected, and such lien shall continue in force until the full amount thereof, together with interest at the rate of 6% per annum, is paid in full.

§ 288-506. Violations and penalties.

In addition to the lien provided for herein, whoever violates or fails to comply with the provisions of this Part shall be, upon conviction thereof, sentenced to pay a fine not less than $300, nor more than $1,000, plus costs, and restitution as determined for work performed and charges assessed and/or paid by the City of Reading, and in default of payment of said fine, costs, restitution, to a term of imprisonment not to exceed 30 days. All fines, restitution, and City charges imposed and collected under the provisions of this Part shall be paid into the City Treasury. Each day that an offense/violation continues shall constitute a separate offense/violation.

Chapter 295

HISTORICAL AND CONSERVATION DISTRICTS

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[HISTORY: Adopted by the City Council of the City of Reading 5-23-2005 by Ord. No. 35A-2005 (Ch. 4, Part 1, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

Zoning — See Ch. 600.

STATE LAW REFERENCES

Historic Districts — See 53 P.S. § 8001 et seq.

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§ 295-101. Purpose.

A. For the general purpose of protecting those historical areas, buildings and structures within the City which have distinctive character recalling the rich architectural and historical heritage of the City of Reading and Commonwealth of Pennsylvania, and of making those historical areas, buildings and structures a source of inspiration to our citizens by

awakening interest in our historic past, and to promote the general welfare, education and culture of the City, the following sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases and words be and hereby are enacted into law by authority of the Charter of the City of Reading.

B. This chapter is enacted for the following specific purposes:

(1) To protect those areas, buildings and structures of the City which reflect the cultural, economical, social, political and architectural history of the City, commonwealth and nation.

(2) To awaken, in our citizens, an interest in our historic past.

(3) To foster civic pride in the architectural, historical, cultural and educational accomplishments of Reading.

(4) To promote the use and reuse of the historic areas, buildings and structures of the City for the culture, education, pleasure and the general welfare of the people of the City, commonwealth, and nation.

(5) To strengthen the economy of the City by improving property values within the historic districts and City at large and by enhancing the City's attractiveness to visitors.

(6) To encourage new buildings and developments that shall be harmonious with existing historic and architecturally important areas, buildings and structures.

(7) To enable the City to participate actively in the National Register of Historic Places program and procedures and the National Certified Local Government Program to qualify for grant assistance and to conform to state and federal standards and guidelines established by statute and regulation.

§ 295-102. Word usage; definitions.

A. For the purposes of this chapter, all words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory and not directory. The word "used" includes "designated, intended, built or arranged to be used."

B. The following words and phrases shall have the meanings ascribed to them in this section.

ALTER or ALTERATION — Any change, modification or addition to a part of or all of the exterior of any building, structure, site or object which is not otherwise covered by the definition of demolition.

ANTENNA — An antenna that is one meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive video programming service via broadband radio service, to receive or transmit fixed wireless signals other than via satellite, or designed to receive local television broadcast signals. Such antennas may be mounted on masts to reach the height needed to establish line-of-sight contact with the transmitter. Masts higher than antennas used for AM/FM radio, amateur (ham) radio, CB radio, digital radio services

(DARS), or antennas used as part of a hub to relay signals among multiple locations are not covered by these rules. **[Amended 6-8-2009 by Ord. No. 16-2009]**

BOARD — The Reading Board of Historical Architectural Review.

BUILDING — Any enclosed or open structure, its site and appurtenances, which is a combination of materials to form a construction for occupancy and/or use, including mobile homes and trailers, to be used for any reason whatsoever.

BUILDING INSPECTOR — The Chief Building Inspector of the City or his designee.

BUILDING PERMIT — The authorization statement to construct, alter, reconstruct, repair, restore, demolish or raze all or part of any building, structure, site or object.

CERTIFICATE OF APPROPRIATENESS — The approval statement issued by the Preservation Officer, as authorized by the Board or Council, which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, restoration, demolition or razing of all or a part of any building or structure within a historical district and which authorizes the issuance of a building permit for such request.

CITY — The City of Reading.

CITY CLERK — The Clerk of the City of Reading.

COMMONWEALTH — The Commonwealth of Pennsylvania.

CONSTRUCT or CONSTRUCTION — Any activity affecting the general design, arrangement, texture, materials or colors of a building, structure or object, including the erection of a new building, structure or object upon a site.

CONTRIBUTING BUILDING, STRUCTURE, SITE OR OBJECT — A building, structure, site or object within a district that reflects the historical or architectural character of the district, and which received a "significant," "good" or "outstanding" rating in the Comprehensive Historical Sites Survey, conducted in 1980.

COUNCIL — The governing body of the City of Reading.

DEMOLITION or DEMOLISH — The razing or destruction, entirely or in part, of a building, structure, site or object.

DEMOLITION BY NEGLECT — Neglect in the maintenance and/or repair of a building, structure, site or object resulting in its deterioration and/or destruction.

DESIGN — The architectural arrangement of exterior features as well as well as mass, height, appearance and the texture, color, nature and composition of materials.

DISTRICT — A geographically definable area possessing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united by past events, plan, or physical development.

FACADE — The exterior walls of any building or structure.

GAS MAIN — The primary gas utility pipe typically located below a public right-of-way. **[Added 8-24-2015 by Ord. No. 45-2015]**

GAS METER — A specialized flow meter, used to measure the volume of fuel gases such as natural gas and propane. **[Added 8-24-2015 by Ord. No. 45-2015]**

GAS METER ASSEMBLY — A gas meter installation including, individually or jointly, associated gas pressure regulator, valves, and piping. **[Added 8-24-2015 by Ord. No. 45-2015]**

GAS PRESSURE REGULATOR — A valve that regulates the flow of gas at a specified pressure. **[Added 8-24-2015 by Ord. No. 45-2015]**

GAS SERVICE — Gas piping between the gas main and the gas meter assembly. **[Added 8-24-2015 by Ord. No. 45-2015]**

HISTORIC DISTRICT — A district which is designated pursuant to this chapter or prior historic district ordinances as amended.

IN-KIND REPLACEMENT — Replacement of deteriorated features with new features identical in design, texture, material, form, massing, detailing and dimensions.

MAJORITY VOTE — Votes by more than half of the members of the Reading Board of Historical Architectural Review in attendance at a regular Board meeting.

MAYOR — The chief executive of the City of Reading.

NATION — The United States of America.

OBJECT — A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

OTHER MODERN DEVICE — Any other device, communication or other, utilized to assist in viewer's ability to receive video programming signals from direct broadcast satellites, broadband radio service, and television broadcast stations (TVBS). **[Amended 6-8-2009 by Ord. No. 16-2009]**

PERMIT — A certificate issued by the Building Inspector which approves the construction, reconstruction, alteration, restoration, demolition or razing of any building or structure, in whole or in part, within any historical district and which is subject to the provisions of this chapter.

PUBLIC STREET OR WAY — Any land dedicated to public use or passage including, but not limited to, streets, alleys, parks, pedestrian rights-of-way and other public rights-of-way, whether constructed, dedicated or proposed.

READING HISTORICAL ARCHITECTURAL REVIEW BOARD — The agency established by this chapter to review requests for authorization to construct, alter, reconstruct, restore or demolish all or a part of any building or structure within a historic district and to approve or deny such requests.

RECONSTRUCTION — Any or all work needed to remake or to rebuild all or part of any building or structure to a sound condition, but not necessarily of original materials.

RESTORATION — Any or all work involved in returning a building or structure, or a part thereof, to its original condition or nearly original condition through the use of original or nearly original materials. Condition shall refer to design rather than to structural stability.

SATELLITE DISH — A "dish" antenna that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to transmit fixed wireless signals via satellite. **[Amended 6-8-2009 by Ord. No. 16-2009]**

SIGN — Any device, structure or object for visual communication, including its structure and component parts, that is used for the purpose of bringing the subject thereof to the attention of people, but not including any cloth flag of any public, quasi-public, civic, charitable or religious group.

SITE — The location of a significant historic event, occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical, cultural or archaeological value regardless of the value of any existing structure.

STRUCTURE — A work made up of interdependent and interrelated parts in a definite pattern of organization constructed by man and affixed to real property.

§ 295-103. Scope. [Amended 6-25-2012 by Ord. No. 70-2012]

The chapter regulates and restricts the construction, reconstruction, alteration, restoration, demolition or razing of any building, structure, site or object within a designated historic or conservation district, in whole or in part, and prescribes certain procedures relating to the issuance of permits for such properties.

§ 295-104. District Map.[1]

The Reading Historic District Maps, together with all explanatory matter thereon, are hereby adopted by reference and declared to be part of this chapter. Such maps shall bear the seal of the City under the following words: "This is to certify that this is an official historic district map of the City of Reading." Such maps shall also contain the date of the adoption of this chapter along with the dates and numbers of all ordinances amending it.

§ 295-105. Boundaries.

A. The historic districts.

(1) Callowhill Historic District. The Callowhill Historic District is hereby created and described verbally as follows:

(a) All that certain district, tract, area or piece of land intended to be known as the "Callowhill Historic District," as shown on a map bearing the same title, consisting of parcels held in separate ownership located abutting or near Fifth Street between Buttonwood Street and a line approximately 40 feet south of Laurel Street and abutting or near Penn Street between a line approximately 210 feet east of Sixth Street and a line approximately 100 feet west of Fourth Street situated in the City of Reading, County of Berks, and Commonwealth of Pennsylvania, being particularly bounded and described as follows, to wit:

[1] Beginning at a point in the center line of Laurel Street (60 feet wide) at its intersection with the rear property line of No. 450 South Fifth Street produced, being 183.39 feet west of the western building line of South Fifth Street produced, and the southwest corner of the herein described district: thence extending northwardly crossing a portion of Laurel Street and along the western property line of No. 450 South Fifth Street to the northern property line of No. 450 South Fifth Street: thence, extending

1. **Editor's Note: The Reading Historic District Maps are available from the City offices.**

eastwardly along the northern property line of No. 450 South Fifth Street to the southwestern property corner of No. 438 South Fifth Street; thence, extending northwardly by various courses and distances along the western property lines and their connections of Nos. 438, 436, 432, 430, 428, 426, 424, 422, 416 and 414 South Fifth Street to the southern building line of Bingaman Street; thence, producing and extending the western property line of 414 South Fifth Street and crossing Bingaman Street to its northern building line; thence, extending westwardly along the northern building line of Bingaman Street to the western property line of No. 412 South Fifth Street; thence, extending northwardly by various courses and distances along the western property lines and their connections of Nos. 412, 410, 408, 406, 404, 402 and 400 South Fifth Street to the southern building line of Pine Street; thence, producing and extending the western property line of No. 400 South Fifth Street and crossing Pine Street to its northern building line; thence, extending westwardly along the northern building line of Pine Street to the western property line of No. 350 South Fifth Street; thence, extending northwardly by various courses and distances along the western property lines and their connections of Nos. 350, 346, 344, 342, 340, 338, 336, 334, 320-22, 318, 316, 314, 310, 308, 306, 304, 302 and 300 South Fifth Street to the southern building line of Spruce Street; thence, producing and extending the western property line of No. 300 South Fifth Street and crossing Spruce Street to its northern building line; thence, extending westwardly along the northern building line of Spruce Street to the western property line of No. 246 South Fifth Street; thence, extending northwardly by various courses and distances along the western property lines and their connections of Nos. 246, 244, 242, 240, 238, 236, 234, 230, 228, 226, 220-224, 218, 216, 214 and 200-210 South Fifth Street to the southern building line of Chestnut Street; thence, extending westwardly along the southern building line of Chestnut Street to the western property line of No. 150-52 South Fifth Street produced and extended; thence, extending northwardly along such line as extended, crossing Chestnut Street and along the western property lines and their connections of Nos. 152, 150, 148, 146, 142, 138, 136, 132, 130, 126, 124, 118, 116, 110 and 100 South Fifth Street to the southern building line of Franklin Street; thence, producing and extending the western property line of 100 South Fifth Street and crossing Franklin Street to its northern building line; thence, extending westwardly along the northern building line of Franklin Street to the eastern building line of Wood Street; thence, extending northwardly along the same to the northern building line of Cherry Street; thence, extending westwardly, crossing South Fourth Street and along the northern building line of Cherry Street to the western property line of No. 348 Penn Street; thence, extending northwardly along the western property line of No. 348 Penn Street, as extended, to the center line of Penn Street; thence, extending eastwardly along such center line to the western property line of No. 359 Penn Street, as extended: thence, extending northwardly along the same line to the northwestern corner of 359 Penn Street; thence, extending eastwardly along the northern property line of 359 Penn Street and crossing North Fourth Street to its eastern building line; thence, extending northwardly

along the same to the southern building line of Court Street; thence, extending eastwardly along the same to the eastern building line of Madison Avenue, produced and extended; thence, extending northwardly along the same, crossing Washington Street and continuing northwardly by various courses and distances along the western property lines and their connections of Nos. 100-110, 114-116, 120, 124, 126-128, 130, 132, 136, 138, 140, 144, 146 and 150 North Fifth Street to the southern building line of Walnut Street; thence, extending eastwardly along the same to the western property line of No. 202 North Fifth Street, produced and extended; thence, extending northwardly along the same crossing Walnut Street and continuing northwardly by various courses and distances along the western property lines and their connections of Nos. 202, 204, 206-216, 220, 224, 226-228, 230, 232, 234, 236, 238, 240, 242 and 244 North Fifth Street to the southern building line of Elm Street; thence, extending eastwardly along the same to the western property line of No. 300 North Fifth Street produced and extended; thence, crossing Elm Street along the same and extending northwardly by various courses and distances along the western property lines and their connections of Nos. 300, 302, 304, 308, 310, 312, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346 and 348 North Fifth Street extended to the center line of Buttonwood Street; thence, extending eastwardly along the same to the eastern property line of No. 357 North Fifth Street produced and extended; thence, extending southwardly by various courses and distances along the eastern property lines and their connections of Nos. 357, 355, 353, 351, 349, 331-335, 329, 327, 325, 323, 321, 319, 317, 313, 309, 307 and 301-305 North Fifth Street to the northern building line of Elm Street; thence, extending westwardly along the same to the eastern property line of No. 253 North Fifth Street produced and extended; thence, extending southwardly along the same, crossing Elm Street and by various courses and distances along the eastern property lines and their connections of Nos. 253, 249, 247, 245, 239, 237, 233, 229, 227, 225 and 209-217 North Fifth Street to the northern building line of Walnut Street; thence, extending westwardly along the same to the eastern property line of No. 153-157 North Fifth Street produced and extended; thence, extending southwardly along the same, crossing Walnut Street and by various courses and distances along the eastern property lines and their connections of Nos. 153-157, 147, 141, 139, 137, 135, 131-133, 127-129, 121-125, 117, 113 North Fifth Street and 501 Washington Street to the northern building line of Washington Street; thence, continuing southwardly, crossing Washington Street and extending along the western building line of Church Street to the northern building line of Court Street; thence, extending westwardly along the same to the western property line of No. 519 Penn Street produced and extended; thence, extending southwardly along the same and crossing Court Street to the northwestern corner of 519 Penn Street; thence, extending eastwardly by various courses and distances along the northern property lines and their connections of Nos. 519, 523, 525, 527, 529, 531, 533-535, 537-543, 545-547, and 549-555 Penn Street to the western building line of North Sixth Street; thence, extending southwardly along the same to the northern property

line of No. 601 Penn Street produced and extended; thence, extending eastwardly along the same, crossing North Sixth Street and by various, courses and distances along the northern property line of 601 Penn Street to the eastern property line of such property; thence, extending southwardly along the same to the northern building line of Penn Street; thence, extending westwardly along the same to the eastern property line of No. 600-620 Penn Street produced and extended; thence, extending southwardly along the same, crossing Penn Street to the northern building line of Cherry Street; thence, extending westwardly along the same and crossing South Sixth Street to the western building line of Pearl Street produced and extended; thence, extending southwardly along the same to the northern property line of 521 Franklin Street; thence, extending westwardly along the same to the western property line of No. 521 Franklin Street; thence, extending southwardly along the same to the northern building line of Franklin Street; thence, extending westwardly along the same to the eastern property line of No. 101 South Fifth Street produced and extended; thence, extending southwardly along the same, crossing Franklin Street and by various courses and distances along the eastern property lines and their connections of Nos. 101, 103, 105, 107, 111, 113, 115, 117, 119, 121-123, 125, 127, 133-135 and 137 South Fifth Street to the southeast property corner of 137 South Fifth Street; thence, extending westerly along the same to the eastern property line of 517 Chestnut Street; thence, extending southerly along the same to the northern building line of Chestnut Street; thence, extending westwardly along the same to the rear property line of No. 201 South Fifth Street produced and extended; thence, extending southwardly along the same, crossing Chestnut Street and along the eastern property lines of Nos. 201, 205, 207, 209, 211, 213, 215, 219, 221 and 223 South Fifth Street to the northern property line of No. 225 South Fifth Street; thence, extending eastwardly along the same to the western building line of Pearl Street; thence extending southwardly along the same and by various courses and distances along the eastern property lines and their connections of Nos. 225, 229, 231-233, 235, 237, 239, 241, 243, 245 and 247 South Fifth Street to the northern building line of Spruce Street; thence, extending westwardly along the same to the eastern property line of 301 South Fifth Street produced and extended; thence, extending southwardly, crossing Spruce Street and continuing by various courses and distances along the eastern property lines and their connections of Nos. 301, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 401 and 403 South Fifth Street to the northern building line of Bingaman Street; thence, extending southwestwardly along the same to the northeastern property line of No. 409 South Fifth Street produced and extended; thence, crossing Bingaman Street along the same and extending southwardly by various courses and distances along the eastern property lines and their connections of Nos. 409, 411, 413, 417, 423, 425, 429, 431, 433, 435, 437, 439, 443, 445, 447 and 449 South Fifth Street extended to the northern building line of Laurel Street: thence, extending southwardly along the eastern property line of 449 South Fifth Street extended, crossing Laurel Street and continuing along the eastern property lines of Nos. 501 and 503 South Fifth street to

the southern property line of No. 503 South Fifth Street; thence, extending westwardly along the same and by the extension and production of this line crossing a portion of South Fifth Street to its center line; thence, extending northwardly along the center line of North Fifth Street to the center line of Laurel Street; thence, extending westwardly along the same to the place of beginning.

(2) Prince Historic District. The Prince Historic District is hereby created and described verbally as follows:

(a) All that certain district, tract, area or piece of land intended to be known as the "Prince Historic District, Reading, Pennsylvania," as shown on a map bearing the same title, consisting of parcels held in separate ownership generally located between Pearl Street and South Seventh Street, from Cherry Street southwardly to Canal Street, situate in the City of Reading, County of Berks, and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

[1] Beginning at a point in the center line of Franklin Street (60 feet wide) and the center line of South Seventh Street (60 feet wide); thence, extending southwardly along the center line of South Seventh Street, also being the center line of the right-of-way of Conrail or any successor railroad (formerly the Reading Company Railroad), to the intersection of South Seventh Street and Chestnut Street; thence, extending southeasterly by a curve along the center line of aforesaid railroad right-of-way to a point in the center line of Bingaman Street (50 feet wide); thence, extending southwesterly along the center line of Bingaman Street to the center line of South Seventh Street (60 feet wide); thence, southwardly along the center line of South Seventh Street to a point being the extended northern property line of No. 317 South Seventh Street; thence, eastwardly along the northern property line of No. 317 South Seventh Street to the eastern property line of the aforesaid property; thence, extending southerly by various courses and distances along the eastern property lines and their connections of Nos. 317, 319, 321, 325, 327, 329, 331 South Seventh Street to a point in the center line of Neversink Alley (15 feet wide); thence, thence southeasterly along the center line of Neversink Alley approximately 170 feet to a point being the eastern side of Gilson Alley (15 feet wide); thence, southerly along the eastern side of Gilson Alley extended to a point in the center line of Laurel Street; thence, westwardly along the center line of Laurel Street (60 feet wide) to a point in the center line of South Seventh Street; thence, southwardly along the center line of South Seventh Street (60 feet wide) to a point in the center line of New Canal Street; thence, southwesterly along the center line of New Canal Street (60 feet wide) to a point in the center line of South Sixth Street; thence northwardly along the center line of South Sixth Street (60 feet wide) to a point in the center line of Willow Street; thence, westerly along the center line of Willow Street (60 feet wide), to a point in the center line of South Fifth Street: thence, northwardly along the center line of South Fifth Street (80 feet wide) to the northern property line of 505 South Fifth Street, produced and extended: thence, eastwardly along the

northern property line of 505 South Fifth Street to the western property line of No. 510 Laurel Street; thence, northerly along the western property line of No. 510 Laurel Street, crossing Laurel Street (60 feet wide) to the southwest property corner of No. 515 Laurel Street; thence, northerly by various courses and distances along the western property lines and their connections of Nos. 515, 517 Laurel Street and 446, 444, 442-1/2, 442, 440-1/2, 440, 438, 436, 434, 432, 430, 428, 426, 424 Pearl Street to the southern property line of 508 Bingaman Street; thence, westerly along the southern property line of 508 Bingaman Street to the western property line of No. 508 Bingaman Street; thence, northwesterly along the western property line of 508 Bingaman Street extended to the center line of Bingaman Street (50 feet wide); thence, northeasterly along the center line of Bingaman Street to a point being the extension of the western property line of No. 515 Bingaman Street; thence, northerly along the extended western property line of No. 515 Bingaman Street to the northwestern property corner of No. 515 Bingarnan Street, also being a point in the southern property line of 354 Pearl Street; thence, westwardly along the southern property line of No. 354 Pearl Street to the western property line of 354 Pearl Street; thence, northerly by various courses and distances along the western property lines and their connections of Nos. 354, 352, 350, 348, 346, 344, 342, 340, 338, 336 Pearl Street, to the northwestern property corner of 336 Pearl Street; thence, eastwardly along the northern property line of 336 Pearl Street to the western building line of Pearl Street; thence, in a northerly direction along the western building line of Pearl Street (20 feet wide) to the southern property line of No. 520 Spruce Street; thence, westwardly along the southern property line of No. 520 Spruce Street to the western property line of No. 520 Spruce Street; thence, northerly along the western property line extended of No. 520 Spruce Street to the center line of Spruce Street; thence, easterly along the center line of Spruce Street (60 feet wide) to the extended western building line of Pearl Street; thence, northerly along the extended western building line of Pearl Street (20 feet wide) to the southeastern property corner of No. 244 Pearl Street; thence, westerly along the southern property line of No. 244 Pearl Street to the southwestern property corner of No. 244 Pearl Street; thence, northerly along the western property lines and their connections of Nos. 244, 242, 240, 238 and 236 Pearl Street to the northwestern property corner of No. 236 Pearl Street; thence, eastwardly along the northern property line of No. 236 Pearl Street to the northeastern property corner of No. 236 Pearl Street, also being a point in the western building line of Pearl Street; thence, northwardly along the western building line of Pearl Street (20 feet wide) to the southeastern property corner of No. 222 Pearl Street; thence, westwardly along the southern property line of No. 222 Pearl Street, also being the northern side of a 10 foot wide alley to the center line of Seivard Street; thence, northerly along the extended center line of Seivard Street (15 feet wide) to the center line of Chestnut Street; thence, easterly along the center line of Chestnut Street to a point in the western property line of 519 Chestnut Street produced and extended; thence, northerly along the western property line of No. 519 Chestnut Street to the northern property line of the aforesaid

property; thence, easterly to the western building line of Pearl Street: thence, northwardly along the western building line of Pearl Street (20 feet wide) to the southeastern property corner of No. 522 Franklin Street; thence, westerly along the southern property lines and their connections of Nos. 522, 520, 518, 516, and 514 Franklin Street to the southwestern property corner of 514 Franklin Street; thence, northerly along the extended western property line of No. 514 Franklin Street to the center line of Franklin Street; thence, eastwardly along the center line of Franklin Street to the western property line of No. 521 Franklin Street produced and extended; thence, northerly along the western property line of No. 521 Franklin Street to the northwestern property corner of No. 521 Franklin Street; thence, easterly along the northern property lines of Nos. 521 and 523 Franklin Street to a point in the western building line of Pearl Street; thence, northwardly along the western building line of Pearl Street extended to a point in the center line of Cherry Street (48 feet wide); thence, easterly along the center line of Cherry Street, crossing South Sixth Street, to a point in the eastern property line of No. 45 South Sixth, produced and extended; thence, in a southerly direction along the eastern property lines and their connections of Nos. 45, 47, 49 South Sixth Street and 613 Franklin Street to a point in the center line of Franklin Street; thence, in an easterly direction to a point in the center line of South Seventh Street (60 feet wide), being the place of beginning.

(3) Centre Park Historic District. The Centre Park Historic District is hereby created and described as follows:

(a) All that certain district, tract, area, or piece of land intended to be known as the "Centre Park Historic District" as shown on a map bearing the same title, consisting of parcels held in separate ownership generally located between Centre Avenue and North Fifth Street, from the right-of-way of Norfolk Southern Corporation (formerly the right-of-way of the Lebanon Valley Railroad) northwardly to Robeson Street in the City of Reading, County of Berks, and Commonwealth of Pennsylvania, being particularly bounded and described as follows, to wit:

[1] Beginning at a point being the intersection of the center line of the right-of-way of the former Lebanon Valley Railroad, now being Norfolk Southern Corporation, and the center line of North Fourth Street (60 feet wide); thence, northwardly along the center line of North Fourth Street (60 feet wide) to the southern property line of 352 Greenwich Street, produced and extended, such line also being the north side of a five-foot wide alley; thence, westwardly along such extended property line and continuing along the southern property lines of 352, 350, 348, 346, 344, 342, 340, 338, 336, 334 and 332 Greenwich Street to the southwest property corner of 332 Greenwich Street; thence, northwardly along the western property line of 332 Greenwich Street, produced and extended, to a point on the center line of Greenwich Street (60 feet wide); thence, westwardly along the center line of Greenwich Street to the intersection of the western property line, produced and extended of 325 Greenwich Street: thence, northwardly along the western property line of 325 Greenwich Street to

the northwest property corner of that same property; thence, eastwardly along the northern property lines of 325 and 327 Greenwich Street to the southwest property corner of 620 Centre Avenue; thence, northwardly along the western property lines of 620, 626 and 628 Centre Avenue to the northwestern property corner of 628 Centre Avenue; thence, northeastwardly along the northwest property line of 628 Centre Avenue to the southwestern property corner of 630 Centre Avenue; thence, northwestwardly along the southwest property lines and their connections of 630, 632 and 634 Centre Avenue to the northwestern property corner of 634 Centre Avenue, also being a point in the southeastern property line of 642 Centre Avenue; thence, southwestwardly along the southeastern property line of 642 Centre Avenue to the southern property corner of that property; thence, northwestwardly along the southwestern property line of 642 Centre Avenue to the southwest property corner of 310 Oley Street; thence, northwardly along the western property line of 310 Oley Street to the southeastern property corner of 308 Oley Street; thence, westwardly along the southern property lines of 308, 306, 304, 302, and 300 Oley Street extended to the center line of North Third Street (60 feet wide); thence, northwardly along the center line of North Third Street to its intersection with the center line of Oley Street (60 feet wide); thence, westwardly along the center line of Oley Street to its intersection with the extended western property line of 710 North Third Street; thence, northwardly by various courses and distances along the western property lines and their connections of 710, 714, 724, 726, 728, 730, 734, 736, 738, 740, 742 and 744 North Third Street extended to the center line of Douglass Street (60 feet wide); thence, eastwardly along the center line of Douglass Street to its intersection with the extended western property line of 800 North Third Street; thence, northwardly along the western property lines of 800, 802, 804, 806, 808, 810, 812, 814, 816, and 818 North Third Street to the northwest property corner of 818 North Third Street, also being a point in the southern property line of 832 Centre Avenue; thence, westwardly along the extended southern property lines of 832 and 834 Centre A venue to a point in the center line of Thorn Street; thence, northwardly along the extended center line of Thorn Street, crossing Windsor Street (60 feet wide), to a point in the center line of Windsor Street; thence, westwardly along the center line of Windsor Street to its intersection with the extended western property line of 900 Centre Avenue; thence, northwardly along the western property lines of 900 and 916 Centre Avenue to the northeast property corner of 211 Windsor Street; thence, westwardly along the extended northern property line of 211 Windsor Street and the southern property line of 920 Centre Avenue to the center line of North Second Street; thence, northwardly along the center line of North Second Street to its intersection with the center line of Spring Street: thence, eastwardly along the center line of Spring Street to its intersection with the center line of Centre Avenue; thence, northwestwardly along the center line of Centre Avenue to its intersection with the extended center line of Robeson Street; thence, northeast and eastwardly along the center line of Robeson Street, crossing North Third Street, Rose Street, North Fourth Street, Madison Street, all intervening

alleyways and North Fifth Street to the extended eastern property line of 1055 North Fifth Street; thence, southwardly along the eastern property lines of Nos. 1055, 1053, 1051, 1049, 1047, 1045, 1043, 1041, 1039, 1037, 1035, 1033, 1031, 1029, 1027, 1025, 1023, 1021, 1019, 1017, 1015 and 1013 North Fifth Street, also being the western side of a 10 foot wide alley, to the intersection with the extended southern property line of 1016 Church Street; thence, eastwardly along the extended southern property line of 1016 Church Street, crossing the aforementioned 10 foot wide alley, to the center line of Church Street; thence, southwardly along the center line of Church Street to its intersection with the center line of Spring Street; thence, westwardly along the center line of Spring Street to its intersection with the extended eastern property line of 951 North Fifth Street; thence, southwardly along the extended eastern property lines of 951, 949, 947, 945, 943, 941, 939, 937, 935, 933, 931, 929, 927, 925, 923, 921, 919, 917, 915, 913, 911 and 909 North Fifth Street, also being the western side of a 10 foot wide alley, to the northern property line of 517 Windsor Street; thence, eastwardly along the extended northern property lines of 517, 519, 521, 523, 525, 527 and 529 Windsor Street to a point in the center line of Church Street; thence, southwardly along the center line of Church Street to its intersection with the center line of Windsor Street; thence, westwardly along the center line of Windsor Street to its intersection with the extended eastern property line of 841 North Fifth Street; thence, southwardly along the extended eastern property line of 841 North Fifth Street, crossing Windsor Street, and continuing along the eastern property lines of 841 and 835 North Fifth Street to the northern property line of 833 North Fifth Street; thence, eastwardly along same to the northeast property corner of 833 North Fifth Street, being a point in the western side of a 4 foot wide alley; thence, southwardly along the eastern property lines and their connections of Nos. 833, 831, 829, 827, 825, 823, 821, 819, 817, 815, 813, 811, 809 and 807 North Fifth Street, also being the western side of aforementioned alley, to the intersection of the extended northern property line of 521 Douglass Street; thence, eastwardly along the extended northern property lines of 521, 523, 525 and 527 Douglass Street, also being the southern side of a 4 foot wide alley, to a point in the center line of Church Street; thence, southwardly along the center line of Church Street, crossing Douglass Street, to the extended southern property line of 526 Douglass Street; thence, westwardly for a distance of 110 feet along the southern property lines of 526, 524, 522 and 520 Douglass Street to a point in the southern property line of 520 Douglass Street; thence, southwardly along a line at right angles to the last described line, crossing a four-foot-wide alley and bisecting the properties known as 717, 715, 713, 711, 709 and 705-707 North Fifth Street to the southeast property corner of 705-707 North Fifth Street, also being a point in the northern property line of 515 Oley Street; thence, eastwardly along the extended northern property lines of 515, 517, 521 and 523 Oley Street to a point in the center line of Church Street: thence, southwardly along the center line of Church Street, crossing Oley Street, to its intersection with the extended northern property line of 619 Church Street: thence, eastwardly along the extended northern property line of 619 Church Street

to the northeast property corner of that same lot; thence, southwardly along the eastern property lines of 619, 617, 615 and 613 Church Street and 529 Greenwich Street to the northern building line of Greenwich Street; thence, southwardly, crossing Greenwich Street, to the northeast property corner of 524 Greenwich Street; thence, southwardly along the eastern property line of 524 Greenwich Street to its southeast property corner; thence, southwestwardly along the southern property lines of 524, 522, 520, 518, 516, 514 and 512 Greenwich Street to a point in the eastern property line of 510 Greenwich Street: thence, southwardly along the extended eastern property line of 510 Greenwich Street for a distance of 152.83 feet to a point within the property known as 535 North Fifth Street; thence, westwardly along a line at right angles to the last described line crossing North Fifth Street, to a point in the center line of North Fifth Street; thence, southwardly along the center line of North Fifth Street to its intersection with the center line of the right-of-way of the former Lebanon Valley Railroad, now being Norfolk Southern Corporation; thence, westwardly along the said center line to its intersection with the center line of North Fourth Street, being the place of beginning.

(4) Penn's Common Historic District. The Penn's Common Historic District is hereby created and described verbally as follows:

(a) All that certain district, tract, area, or piece of land intended to be known as the "Penn's Common Historic District" as shown on a map bearing the same title, consisting of parcels held in separate ownership located adjacent to Penn's Common (City Park), and generally located between Mulberry Street and Thirteenth Street Extension, from a line approximately 80 feet south of Elm Street southeastwardly along North Eleventh Street, Perkiomen Avenue to Good Street, and including the 1000 blocks of Walnut Street, Washington Street, and Penn Street, situated in the City of Reading, County of Berks, and Commonwealth of Pennsylvania, being particularly bounded and described as follows, to wit:

[1] Beginning at a point being the intersection of the center line of Thirteenth Street Extension (30 feet wide) and the center line of Walnut Street (60 feet wide); thence extending southeastwardly along the center line of Thirteenth Street Extension to its intersection with the northern property line of 1401 Hill Road, produced and extended; thence, northeastwardly along such extended property line and continuing along the northern property lines of 1403, 1405, 1407, 1409, 1411, and 1413 Hill Road to the northeast property corner of 1413 Hill Road; thence, southwardly to a point on the center line of Hill Road (50 feet wide); thence, westwardly along the center line of Hill Road to its intersection with the center line of Clymer Street (50 feet wide); thence, southeastwardly along the center line of Clymer Street to its intersection with the center line of Eckert Avenue (50 feet wide); thence southwestwardly to the eastern property line of 1252 Eckert Avenue, produced and extended, such line also being the western side of a five-foot-wide alley; thence, southeastwardly along the eastern property lines of 1252 Eckert Avenue and 1343 Good Street, produced and extended, to a point on the center line of Good Street (50

feet wide); thence, southwestwardly along the center line of Good Street to the intersection of the eastern property line, produced and extended, of 1344 Good Street, such line also being the western side of a five-foot-wide alley; thence, southeastwardly along the eastern property line of 1344 Good Street to the southeast property corner of 1344 Good Street; thence, southwestwardly along the southern property lines of 1344, 1342, 1340, 1338, and 1336 Good Street to the southwest property corner of 1336 Good Street, produced and extended, to a point on the center line of a ten-foot-wide alley; thence, northwestwardly along the center line of said alley to its intersection with the extended southern property line of 1334 Good Street; thence, southwestwardly along such extended property line and continuing along the southern property lines of 1332 and 1330 Good Street to the southwest property corner of 1330 Good Street; thence, northwestwardly along the western property line of 1330 Good Street, produced and extended, to a point on the center line of Good Street; thence, southwestwardly along the center line of Good Street to its intersection with the center line of Mineral Spring Road (60 feet wide); thence, northwestwardly along the center line of Mineral Spring Road to its intersection with the center line of Chestnut Street (60 feet wide); thence, westwardly along the center line of Chestnut Street to its intersection with the center line of Weimer Street (20 feet wide); thence, northwestwardly and westwardly along the center line of Weimer Street to its intersection with the center line of South Twelfth Street (60 feet wide); thence, northwardly along the center line of South Twelfth Street to its intersection with the center line of Franklin Street (60 feet wide); thence, westwardly along the center line of Franklin Street to the intersection of the western property line, produced and extended, of 1170 Perkiomen Avenue; thence, northwardly along the western property line of 1170 Perkiomen Avenue, produced and extended, to a point on the center line of a ten-foot-wide alley; thence, westwardly along the center line of the said alley to its intersection with the center line of Little Wunder Street (15 feet wide); thence, southwardly along the center line of Little Wunder Street to the intersection of the southern property line, produced and extended, of 26 Little Wunder Street; thence, westwardly along such extended property line and continuing along the southern property line of 26 Little Wunder Street, and 1116 Little Cherry Street to the northeast property corner of 43 South Eleventh Street; thence, southwardly along the eastern property lines of 43, 45, 47, 49, 51, and 53 South Eleventh Street to the southeast property corner of 53 South Eleventh Street; thence, westwardly along the southern property line of 53 South Eleventh Street, produced and extended, crossing South Eleventh Street to the western building line of South Eleventh Street; thence, northwardly along the western building line of South Eleventh Street to the southeast property of 38 South Eleventh Street; thence, westwardly along the southern property line of 38 South Eleventh Street to the southwest property corner of 38 South Eleventh Street; thence, northwardly along the western property line of 38 South Eleventh Street, produced and extended, to a point on the center line of Shmeck's Court (10 feet wide); thence, westwardly along the center line of Shmeck's Court to the intersection of the western property line,

produced and extended, of 36 South Eleventh Street; thence, northwardly by various courses and distances along the western property lines and their connections of 36, 34, 32, 30, 28, and 26 South Eleventh Street, produced and extended, to a point on the center line of Cherry Street (20 feet wide); thence, westwardly along the center line of Cherry Street to its intersection with the western property line, produced and extended, of 101.3 Cherry Street; thence, northwardly along such extended property line to the northwest property corner of 1013 Cherry Street; thence, eastwardly along the northern property lines of 1013 and 1015 Cherry Street to the northeast property corner of 1015 Cherry Street; thence, northwardly along the western property line of 1016 Penn Street to the southeast property corner of 1012 Penn Street; thence, westwardly along the southern property lines of 1012 and 1010 Penn Street to the southwest corner of 1010 Penn Street; thence, northwardly along the western property line of 1010 Penn Street to the southeast property corner of 1008 Penn Street; thence, westwardly along the southern property lines of 1008 and 1006 Penn Street to the southwest property corner of 1006 Penn Street; thence, northwardly along the western property line of 1006 Penn Street, produced and extended, to a point on the center line of Penn Street (80 feet wide); thence, westwardly along the center line of Penn Street to the intersection of the western property line, produced and extended, of 1001 Penn Street; thence, northwardly along such extended property line to the northwest property corner of 1001 Penn Street; thence, eastwardly by various courses and distances along the northern property lines and their connections of 1001 and 1005 Penn Street to the northeast property corner of 1005 Penn Street; thence, northwardly along the western property lines of 1007 Penn Street and 1004 Court Street, produced and extended, to a point on the center line of Court Street (20 feet wide); thence, eastwardly along the center line of Court Street to the intersection of the western property line, produced and extended, of 18 Mulberry Street; thence, northwardly along such extended property line and continuing along the western property lines of 18, 20, and 22 Mulberry Street to the northwest property corner of 22 Mulberry Street; thence, eastwardly along the northern property line of 22 Mulberry Street to the northeast property corner of 22 Mulberry Street; thence, northwardly along the western building line of Mulberry Street to its intersection with the southern property line of 34 Mulberry Street; thence, westwardly along the southern property line of 34 Mulberry Street to the southwest property corner of 34 Mulberry Street; thence, northwardly by various courses and distances along the western property lines and their connections of 34, 36, 38, 40 and 42, Mulberry Street to a point on the southern property line of 44 Mulberry Street; thence, westwardly along the southern property line of 44 Mulberry Street to the southeast corner of 47 North Tenth Street (not located in the Penn's Common Historic District); thence, northwardly along the eastern property line of 47 North Tenth Street to a point on the southern property line of 1010 Washington Street; thence, westwardly along the southern property line of 1010 Washington Street to the southwest property corner of 1010 Washington Street; thence, northwardly along the western property line of 1010 Washington Street, produced and extended, crossing

Washington Street to the southwest property corner of 1013 Washington Street; thence, northwardly along the western property line of 1013 Washington Street and continuing northwardly by various courses and distances along the western property lines and their connections of 110, 112, and 114, Mulberry Street to the northwest property corner of 114 Mulberry Street; thence, eastwardly along the northern property line of 114 Mulberry Street to the northeast property corner of 114 Mulberry Street; thence, northwardly along the western building line of Mulberry Street to its intersection with the southern property line of 130 Mulberry Street; thence, westwardly along the southern property line of 130 Mulberry Street to the southwest property corner of 126 Mulberry Street; thence, northwardly by various courses and distances along the western property lines and their connections of 130, 132, 134, 136, 138, 140, 140 1/2, 142, and 144 Mulberry Street to the northwest property corner of 144 Mulberry Street; thence, northwardly along the western property line of 1010 Walnut Street, produced and extended, to a point on the center line of Walnut Street; thence, westwardly along the center line of Walnut Street to the intersection of the western property line, produced and extended, of 1009 Walnut Street; thence, northwardly along such extended property line to the northwest property corner of 1009 Walnut Street; thence eastwardly by various courses and distances along the northern property lines and their connections of 1009, 1011, 1013, 1015, 1017, 1019, 1021, 1021 1/2, 1023, and 1025 Walnut Street, produced and extended, crossing Mulberry Street and continuing along the northern property line, produced and extended, of 1027 Walnut Street; thence, eastwardly along such extended property line by various courses and distances along the northern property lines of 1027, 1029, 1031, 1033, 1037, and 1039 Walnut Street produced and extended; thence, eastwardly along such extended property line, crossing Dumn's Court (10 feet wide) to the southwest corner of 212 North Eleventh Street; thence, northwardly by various courses and distances along the western property lines and their connections of 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 234, 236, 238, 240, 242, 244, 246, and 248 North Eleventh Street to the northwest property corner of 248 North Eleventh Street; thence, eastwardly along the northern property line of 248 North Eleventh Street, produced and extended, to a point on the center line of North Eleventh Street (60 feet wide); thence, northwardly along the center line of North Eleventh Street to the intersection of the extended northern property line of 243 North Eleventh Street; thence, eastwardly along such extended property line to the northeast property corner of 243 North Eleventh Street; thence, southwardly by various courses and distances along the eastern property lines and their connections of 243, 241, 239, 233, 231, 229, 227A, 227, 225A, 225, 223, 221, 219, and 217 1/2 North Eleventh Street to the southeast property corner of 217 1/2 North Eleventh Street, also being a point on the northern property line of 1111 Walnut Street; thence, eastwardly along the northern property lines of 1111 Walnut Street and 214 Locust Street to the northeast property corner of 214 Locust Street, produced and extended, to a point on the center line of Locust Street (20 feet wide); thence, southwardly along the center line of Locust Street to its intersection with the center line of Walnut Street; thence eastwardly along

the center line of Walnut Street to its intersection with the center line of Thirteenth Street Extension, being the place of beginning.

B. The Conservation District. **[Added 6-25-2012 by Ord. No. 70-2012]**

(1) Heights Conservation District. The Heights Conservation District is hereby created and described verbally as follows:

(a) All that certain district, tract, area, or piece of land intended to be known as the "Heights Conservation District" as shown on a map bearing the same title, consisting of parcels held in separate ownership generally located between Thirteenth Street and Oak Lane, from Rockland Street southwardly to Hampden Park, situated in the City of Reading, County of Berks, and Commonwealth of Pennsylvania, being particularly bounded and described as follows, to wit:

[1] Beginning at a point in the center line of Hampden Boulevard (50 feet wide) at its intersection with the northern property line of 2020 Rockland Street, produced and extended; thence, southwestwardly along the center line of Hampden Boulevard to its intersection with the center line of Richmond Street (30 feet wide); thence, southeastwardly along the center line of Richmond Street to its intersection with the City of Reading boundary line; thence, southwestwardly along the City of Reading boundary line to its intersection with the center line of Oak Lane (35 feet wide); thence, southwestwardly along the center line of Oak Lane to the northern property line produced and extended, of 1303 Oak Lane; thence, southeastwardly along the northern property line of 1303 Oak Lane to its intersection with the City of Reading boundary line; thence, southwestwardly along the City of Reading boundary line to its intersection with the southern property line of 1303 Oak Lane; thence, northwestwardly along the southern property line of 1303 Oak Lane, produced and extended, to a point on the center line of Oak Lane; thence, southwestwardly along the center line of Oak Lane to its intersection with the southern property line of 1151 Oak Lane, produced and extended; thence, southeastwardly along the southern property line of 1151 Oak Lane to the southeast property corner of 1151 Oak Lane; thence, southwestwardly by the approximate bearings and distances of the area of Hampden Park as follows: southwestwardly 531 feet to the intersection of the City of Reading boundary line; thence, southwestwardly 951 feet; thence, westwardly 260 feet; thence, northwardly 678 feet; thence, westwardly 150 feet; thence, southwestwardly 560 feet, produced and extended to a point on the center line of North Thirteenth Street (50 feet wide), more precisely described in deed book 2108, deed page 1416; thence, northwardly along the center line of North Thirteenth Street to its intersection with Hampden Boulevard; thence, northeastwardly along the center line of Hampden Boulevard to its intersection with the center line of Robeson Street (35 feet wide); thence, westwardly along the center line of Robeson Street to its intersection with the western property line of 1100 North Thirteenth Street, produced and extended, such line also being the eastern side of a fifteen-foot wide alley; thence, northwardly along the same by various courses and distances along the western property lines and their connections of Nos. 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1114,

1116, 1118, 1120, 1122, 1124, 1126, 1128, 1130, 1132, 1134, 1136, 1138, 1140, 1142, and 1164 North Thirteenth Street, produced and extended, to a point on the center line of Marion Street (35 feet wide); thence, westwardly along the center line of Marion Street to its intersection with the center line of North Twelfth Street (35 feet wide); thence, northwardly along the center line of North Twelfth Street to its intersection with center line of Perry Street (35 feet wide); thence, eastwardly along the center line of Perry Street to its intersection with the western property line of 1300 North Thirteenth Street, produced and extended, such line also being the eastern side of a ten-foot wide alley; thence, northwardly along the same by various courses and distances along the western property lines and their connections of Nos. 1300, 1302, 1304, 1306, 1308, 1310, 1312, 1314, 1316, 1318, 1320, 1322, 1324, 1326, 1328, and 1330 North Thirteenth Street produced and extended; thence, extending northwardly along the same, crossing Pike Street (35 feet wide) and by various courses and distances along the western property lines and their connections of Nos. 1400, 1408, 1410, 1412, 1414, 1416, 1418, 1420, and 1430 North Thirteenth Street produced and extended, such line also being the eastern side of a fifteen-foot wide alley; thence, extending northwardly along the same, crossing Amity Street (35 feet wide) and by various courses and distances along the western property lines and their connections of 1500, 1502, 1506, 1508, 1510, 1512, and 1518 North Thirteenth Street, such line also being the eastern side of a fifteen-foot wide alley, produced and extended to a point on the center line of Union Street (35 feet wide); thence, westwardly along the center line of Union Street to its intersection with the center line of North Twelfth Street; thence, northwardly along the center line of North Twelfth Street to its intersection with the center line of Exeter Street (35 feet wide); thence, eastwardly along the center line of Exeter Street to its intersection with the center line of North Thirteenth Street; thence, southwardly along the center line of North Thirteenth Street to its intersection with the center line of Union Street; thence, eastwardly along the center line of Union Street to its intersection with the center line of Palm Street (35 feet wide); thence, northwardly along the center line of Palm Street to its intersection with the center line of Bern Street (35 feet wide); thence, northwestwardly along the center line of Bern Street to its intersection with the center line of College Avenue (50 feet wide); thence, northeastwardly along the center line of College Avenue to its intersection with the center line of North Fourteenth Street (35 feet wide); thence, northwardly along the center line of North Fourteenth Street to its intersection with the center line of Rockland Street (50 feet wide); thence, eastwardly along the center line of Rockland Street to its intersection with the center line of Palm Street; thence, northwardly along the center line of Palm Street to the northern property line of 1425 Rockland Street, produced and extended; thence, eastwardly along the northern property lines and their connections of 1425 and 1435 Rockland Street, produced and extended, crossing North Fifteenth Street (35 feet wide); thence, eastwardly along the northern property lines and their connections of 1501 and 1515 Rockland Street, produced and extended, crossing Olive Street (35 feet wide); thence, eastwardly along the northern

property lines and their connections of 1525, 1535, 1605, and 1615 Rockland Street, produced and extended, crossing Elder Street (35 feet wide); thence, eastwardly along the northern property lines and their connections of 1625, 2001, and 2020 Rockland Street, produced and extended, to a point on the center line of Hampden Boulevard, being the place of beginning.

C. Changes in boundaries. If the rear or side lot line of a district property which defines the boundary of said district is reconfigured through subdivision or annexation, the district boundary will be modified to reflect such change.

D. Uncertainty in boundaries. Should a dispute arise as to the accuracy of the Reading Historical District Map, the Official Map, on file in the office of the City Clerk, shall be the final authority. Where uncertainty exists as to the boundaries of historical districts, the following rules shall apply:

(1) Where district lines are indicated as approximately following the center line or street line of streets or the center line or alley line of alleys, such lines shall be construed to extend to the center lines of such streets or alleys.

(2) Where historical district lines are so indicated that they are approximately parallel to the street lines of streets, the alley lines of alleys or the limits of rights-of-way, such lines shall be construed as being parallel thereto and at such distance therefrom as indicted on the map. If no distance is given, such dimension shall be determined by the use of the scale shown on such map.

(3) Where historical district lines are indicated as approximately following lot lines, such lot lines shall be construed to be the boundaries.

§ 295-106. Enforcement and administration. [Amended 6-8-2009 by Ord. No. 16-2009; 8-10-2009 by Ord. No. 43-2009; 10-25-2010 by Ord. No. 77-2010]

A. Preservation Officer.

(1) Appointment. This chapter shall be administered and enforcement actions undertaken by an agent of the City, who shall be known as the "Preservation Officer." The Director of the City of Reading Community Development Department may, with approval of the Mayor and Council, designate a City employee or employees as his/her authorized assistant or assistants who shall exercise all the powers of the Preservation Officer at such times as the Preservation Officer indicates and during the absence of the Preservation Officer.

(2) Duties. The Preservation Officer shall:

(a) Administer the Preservation Ordinance in accordance with its literal terms.

(b) Identify and register violations of this chapter, together with the reasons therefor.

(c) Receive and examine all applications required under the terms of this chapter.

(d) Issue or refuse certificates of appropriateness within 30 days of the receipt of the complete application, except as specifically provided in this chapter.

(e) Receive complaints of violations of this chapter.

(f) 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.

(g) Keep records of applications and permits issued, of all certificates of appropriateness granted by the Reading Board of Historical Architectural Review or City Council, of complaints received, of inspections made, of reports rendered, and of notice or orders issued; such records shall be and are the property of the City, and shall be available for the use of the Reading Board of Historical Architectural Review, City Council, other City officials and staff and City residents.

(h) Make required inspections and perform all other duties as called for in this chapter.

(3) Conflicts. The Preservation Officer shall not hold any elective office within the City.

(4) Qualifications. The minimum professional qualifications to be met by the Preservation Officer are a graduate degree in history, architectural history or a closely related field; or a bachelor's degree in history, architectural history or a closely related field plus two years of full-time professional experience in the field.

(5) Limitations of authority. The Preservation Officer shall not have the power to permit any work affecting the general design, arrangement, texture, material, and color which can be seen from a public street or way which does not conform to this chapter.

B. Building Inspector.

(1) Duties. The Building Inspector shall be responsible for the issuance of permits for any work that is required according to the presently enacted building code. No such permit shall be issued by the Building Inspector until the Board or Council has authorized the issuance of a certificate of appropriateness.

(2) Conduct of office. Upon receipt of an application for a permit for work to be done in any historic district, the Building Inspector shall act in accordance with the procedures presently being followed in that office except as those procedures are modified by the following requirements:

(a) He or she shall forward within three working days to the Preservation Officer a copy of the application for a permit, together with construction plans and specifications filed by the applicant pursuant to § 295-107.

(b) He or she shall maintain in that office a record of all such applications. The record shall include details of the handling and disposition of the same and shall be in addition to, and appropriately cross-referenced with, other building inspection records.

(c) If an application for a certificate of appropriateness is approved by the Historical Architectural Review Board or City Council, a building permit shall be issued if all other requirements for such permit are satisfied.

(d) The Building Inspector or his designated representative shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this chapter in the same manner as in enforcement of the building code.[2]

C. Finances and fees. Council shall appropriate monies to finance the preparation, administration and enforcement of this chapter, to finance the work of the Reading Board of Historical Architectural Review and to support or oppose, upon appeal to the courts, decisions of the Reading Board of Historical Architectural Review. For the same purposes, Council may accept gifts and grants of money and services from private sources and from the county, the state and the federal government which are not prejudicial to the fair and impartial enforcement and administration hereof.

D. General administrative procedures.

(1) All persons or entities desiring to undertake an exterior alteration or modification, requiring a building permit under the presently enacted building code, to any building, structure, sign, or premises or install any gas meter assembly, satellite dish, antenna, or other modern device utilized to receive video programming signals as set forth in Subsection E below within any designated historic district, shall apply to the Preservation Officer for a certificate of appropriateness prior to obtaining the required building permits as set forth in § 295-107. No application shall be accepted or deemed complete until such time as all forms, materials and plans are filed and any and all fees are fully paid. **[Amended 8-24-2015 by Ord. No. 45-2015]**

(2) The Preservation Officer shall either issue a certificate of appropriateness as set forth in §§ 295-108 and 295-109 or schedule the certificate of appropriateness application for review at the next applicable meeting of the Reading Board of Historical Architectural Review.

(3) Until a certificate of appropriateness is issued no construction shall be undertaken, and any construction which has occurred prior to the issuance of the permit shall, if requested by the Board, be removed.

(4) If a certificate of appropriateness is issued, the action proposed may be immediately undertaken, provided that the applicant has also been issued other permits required under the presently enacted building code.

E. Placement of satellite dishes in historic districts.

(1) Installation.

(a) No satellite dishes, antenna, or other similar modern device shall be installed or placed in front yards, front of buildings or along their facades that can be seen from a public right-of-way within historic districts. All satellite dishes, antenna, or other similar modern devices shall be located to the rear of the main dwelling unit. Antenna and satellite dishes shall be installed in the rear or on the roof of the main dwelling unit. A roof-mounted satellite dish or antenna shall not be visible from the public right-of-way. When being secured to a brick wall, anchoring for satellite dishes shall only occur within the mortar joints and not within the brick themselves.

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2. Editor's Note: See Ch. 180, Construction Codes.

(b) Satellite dishes that are placed in accordance with this chapter may be approved at staff level when submitted with a diagram of their proposed placement on the structure or building. Placement of satellite dishes on any other area of a structure or building shall be sent to the Reading Board of Historical Architectural Review for review.

(2) Exceptions. Satellite dishes, antenna or other modern devices, as defined herein, may be installed in front of buildings in the historic district only if no other means of reception can be provided. In such cases where the proposed location of a satellite dish is visible from a public right-of-way, the owner or tenant of the property shall seek the issuance of a certificate of appropriateness as required in § 295-107 of this chapter. Such satellite dishes, antenna or other modern devices shall be installed to be unobtrusive and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The Building Inspector and Historic Preservation Specialist shall approve the installation to ensure there is no disruption to the historic nature and aesthetic value of the district.

(3) Removal. Any satellite dishes installed in the front of buildings before the enactment of this chapter shall be removed to meet the requirements of the ordinance or must be reviewed by the Reading Board of Historical Architectural Review to obtain a certificate of appropriateness as required per § 295-107 of this chapter within one year of the effective date of this chapter. Satellite dishes shall be removed when the owner or tenant who installed the device no longer inhabits the property.

(4) Violations and penalty. Placement of any satellite dish that does not conform to the guidelines of this section will constitute a violation and may be subject to penalty and enforcement per §§ 295-122 and 295-123.

F. Placement of gas meters in historic districts. **[Added 8-24-2015 by Ord. No. 45-2015[3]]**

(1) Installation.

(a) No gas meters shall be installed or placed in front yards, front of buildings or along their facades that can be seen from a public right-of-way within any historic district designated by City ordinance or listed in the National Register of Historic Places. Such gas meters shall be located inside the building, at an exterior location that is not visible from a public right-of-way, or shall be installed within an exterior, below-grade vault that is covered by a flush, corrosion-resistant access hatch.

(b) Exposed gas pressure regulator installations shall be inconspicuously located outside the main dwelling unit.

(c) All exposed components of a gas meter assembly installation shall be fabricated of corrosion-resistant materials and painted along with associated visible valves and piping to match the color of the adjacent facade of the building.

(d) Gas meter assembly installations shall be resistant to tampering, vandalism, and protected from damage by moving vehicles.

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3. Editor's Note: Pursuant to this ordinance, former Subsection F, Enforcement notice, was redesignated as Subsection G.

(e) Gas meter assembly installations shall not encroach upon required sidewalk widths, so designated by City ordinance.

(f) Gas meter assembly installations shall maintain uniformity in overall size, elevation, and configuration with new or existing gas meter assembly installations located at each immediately adjacent property.

(g) Existing sidewalks and streets disturbed by installations or alterations of the gas main, gas service, or a gas meter assembly shall be repaved to applicable published City of Reading standards.

(h) Gas meters that are placed in accordance with this chapter may be approved by the Preservation Officer when submitted with a diagram of their proposed placement on the structure or building and relevant photographs of the building. Placement of gas meters on any other area of a structure or building shall be reviewed by the Historical Architectural Review Board.

(2) Exceptions. Gas meters, as defined herein, may be installed in front yards, front of buildings, or along their facades that can be seen from a public right-of-way within historic districts only if no other means of gas service can be provided. In such cases where the proposed location of a gas meter is visible from a public right-of-way, the public utility shall seek the issuance of a certificate of appropriateness as required in § 295-107 of this chapter. Such gas meters shall be unobtrusive and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The Building Inspector and Historic Preservation Specialist shall approve the installation to ensure there is no disruption to the historic nature and aesthetic value of the district.

(3) Removal. Any existing gas meter assembly installed in front yards, front of buildings or along their facades that can be seen from a public right-of-way within historic districts before the enactment of this subsection must be reviewed by the Historical Architectural Review Board to obtain a certificate of appropriateness as required per § 295-107 of this chapter within one year of the effective date of this chapter. The Historical Architectural Review Board may require removal and/or alterations to existing gas meter assemblies and adjacent construction to meet the requirements of this subsection.

(4) Violations and penalty. Placement of any gas meter that does not conform to the guidelines of this subsection will constitute a violation and may be subject to penalty and enforcement per §§ 295-122 and 295-123.

G. Enforcement notice.

(1) Following an inspection of a building or structure located in a designated historic district, if it appears to the Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer that a violation of any provision of this chapter has occurred, enforcement proceedings shall be initiated by sending a notice of violation as provided in this section. Copies of the notice of violation shall be filed in the Zoning Office, Property Maintenance Division and Historic Preservation Office.

(2) Enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any known occupant (if different from the owner), or to any person who has filed a written request to receive enforcement notices regarding the property.

(3) An enforcement notice shall state at a minimum the following:

(a) The name of the owner of record and any other person against whom the Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer intends to take action.

(b) Location of the property in violation.

(c) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.

(d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(e) That the recipient of the notice has a right to appeal to the Reading Board of Historical Architectural Review within 14 days of the receipt of the notice by completing a COA application and submitting it to the Preservation Officer for review by the Board at the next regularly scheduled meeting.

(f) Any person who authorizes or continues any work on any structure, building, sign or premises after having been served with an enforcement notice, except such work as is directed by the City to be performed, shall be in violation of this chapter and subject to remedies set forth in § 295-122 hereof.

(g) Any person who has been served with an enforcement notice or discontinues or abandons work shall not leave any structure, building, sign or premises in such condition as to be hazardous to the public health, safety and welfare.

(4) Stop-work orders.

(a) Upon notice from the Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer that the work on any building, structure, or premises is conducted contrary to the provisions of this chapter, such work shall be stopped immediately. The stop-work order shall be posted by the Building Inspector, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer on the property involved and shall state the conditions under which work may be resumed.

(b) Any person who authorizes or continues any work on any building, structure, or premises after the posting of a stop-work order thereon shall be in violation of this chapter and subject to the penalties as set forth in § 295-123.

(c) Following the posting of a stop-work order, any person who discontinues or abandons work shall not leave any building, structure, or premises in such condition as to be hazardous to the public health, safety and welfare. In the event that any building, structure, or premises is abandoned or left in a condition which, in the opinion of the Building Inspector, constitutes a hazard to the public health, safety and welfare, the Preservation Officer may declare the same to be

a nuisance. Such hazard shall, thereafter, be abated as permitted by statute or ordinance.

§ 295-107. Required permits and certificates.

A. Building permit. No person shall erect, construct, reconstruct, alter, restore, demolish, raze or change in appearance in any manner any building, structure, object or site, in whole or in part, in any designated historic district, without first obtaining the required permits which have been issued on the strength of a certificate of appropriateness.

B. Certificate of appropriateness. **[Amended 6-25-2012 by Ord. No. 70-2012]**

(1) Historic districts. No permit shall be issued or cause to be issued, for the construction, reconstruction, alteration, restoration, demolition or razing of any building, structure, or premises, in whole or in part, within a designated historic district until a certificate of appropriateness has been issued. Such certificate shall not be limited to work requiring a building permit according to the presently enacted building code, but shall include all work affecting general design, arrangement, texture, material and color of a structure which can be seen from a public street or way. This includes, but is not limited to, the following: painting; sandblasting; chemical cleaning; stucco or other applied textures; replacement or major repair of windows, cornices, trim or other nonstructural elements; signs; and other work affecting any building, structure or premises.

(2) Conservation districts.

(a) No permit shall be issued or cause to be issued, for new construction and additions to buildings or structures, including a porch or porch enclosure, that impacts the streetscape within a designated conservation district until a certificate of appropriateness has been issued, unless specifically listed as exempt below.

(b) Demolition activity impacting the streetscape, including demolition of any character defining porch, balcony, deck, cornice, dormer or roof, shall require the issuance of a certificate of appropriateness, unless specifically listed as exempt below.

(c) The following activities shall not require a certificate of appropriateness:

[1] Demolition or construction of any building or structure not visible from a public right-of-way.

[2] Maintenance, repair, or alteration of a building or structure or part thereof.

[3] Installation of appurtenances and accessory elements of a decorative or ancillary nature, regardless of visibility from a public street, including but not limited to the following:

[a] Storm windows and doors, awnings and shutters.

[b] Signs, banners and flags.

[c] Downspouts and gutters.

[d] Flower boxes, light fixtures and mailboxes.

[e] Heating or cooling units, including solar heating fixtures.

[f] Fences, walls not exceeding four feet in height, gates, arbors and trellises.

[g] Antennas and satellite dishes.

[h] Other ancillary or decorative elements.

[i] Gas meters that are not visible from a public right-of-way. **[Added 8-24-2015 by Ord. No. 45-2015]**

[4] Demolition of any structure deemed by the Building Official to be in imminent danger of failure or collapse and where the Building Official orders the demolition in order to protect public health, safety and welfare.

C. Applications.

(1) Form. All applications for a certificate of appropriateness shall be in writing on a form provided by the Preservation Officer and shall be submitted to the Preservation Officer at least 10 working days before the regularly scheduled meeting. Incomplete applications shall not be accepted and shall be returned to the applicant for completion.

(2) Applicants. All requests for certificates of appropriateness shall be made in writing by the legal or equitable owner of the subject property or his/her authorized agents or appointee.

(3) Submission requirements.

(a) The submission requirements may vary according to the proposed scope of work.

(b) At a minimum, an applicant must present a completed application for a certificate of appropriateness form for any proposed construction, reconstruction, alteration, restoration, demolition or razing of a designated historic building, structure or premises; or to any building, structure or premises within a designated historic district visible including, but not limited to, all work affecting the general design, arrangement, texture, material and color which can be seen from a public street or way.

(c) Appropriately and accurately scaled drawings of all front, side and rear elevations where the proposed work will occur may be required. Additional information such as site plans, and building sections and plans may be required for further clarity. All drawings must be annotated or be accompanied by applicable specifications that describe the proposed undertaking in detail. Photo-drawings with notes and/or specifications may be acceptable at the discretion of the Preservation Officer.

(d) Detailed drawings of all features to be constructed, reconstructed, altered, restored, demolished, painted, razed or changed in appearance in any manner may be required at a scale to be determined.

(e) Product information regarding proposed construction materials.

(f) Charts providing color samples for the painting of exterior surfaces.

(g) Representative photographs of all buildings, structures, or premises and the specific areas where the proposed work will occur shall be submitted with the certificate of appropriateness application form. The photographs shall be dated and labeled and shall remain the property of the City.

(h) Applications for treatment such as demolition or new construction shall include any additional requirements as specified in any Board policies adopted pursuant to this chapter.

§ 295-108. Review process and procedure for a certificate of appropriateness.

A. Applicants shall consult with the Preservation Officer early in the planning process for guidance in the preparation of a complete and acceptable application for a certificate of appropriateness.

B. The Preservation Officer, the Reading Board of Historical Architectural Review, and City Council shall be guided by the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, by Chapter 180, Construction Codes, and by any policies and/or guidelines hereafter adopted by the Board or the City of Reading. The City shall have copies of these documents available for public viewing. **[Amended 8-26-2013 by Ord. No. 35-2013]**

C. The Preservation Officer shall review the application, ascertain its completeness and determine the necessity of submission to the Reading Board of Historical Architectural Review. An incomplete application and submission shall not be accepted by the Preservation Officer and shall be returned to the applicant with a written request for additional information.

§ 295-109. Approval and issuance of a certificate of appropriateness by Preservation Officer.

The Board may authorize the Preservation Officer to approve certain proposed building improvements. A list of treatments authorized by the Board for staff approval will be maintained by the Preservation Officer. All other applications will be referred to the Board.

§ 295-110. Issuance of a certificate of appropriateness for applications referred to Board.

A. The Preservation Officer shall forward to the Board for review all applications for certificates of appropriateness not approved pursuant to § 295-109.

B. The Board shall hold regularly scheduled monthly meetings for the purpose of reviewing applications. Any meeting held on a day not regularly scheduled shall be considered a special meeting. A special meeting may be held at the call of the Board chairperson or upon the written request of any two Board members. All Board members shall be notified at least 24 hours prior to such meeting.

(1) All meetings must be publicly announced at least 24 hours in advance and be open to the public.

(2) The meeting agenda must be available to the public for review prior to the meeting.

(3) Records of all decisions and actions of the Board including the reasons for making the decisions must be kept on file and available for public inspection.

(4) All decisions of the Board shall be made in a public forum.

C. Notice to the applicant shall be provided in written form as follows:

(1) The applicant shall be given written notice of the time and date of the meeting not less than 10 days prior to said meeting.

(2) The Board shall notify the applicant of its decision within 30 days of its review of the application at the meeting.

(a) If the Board decides not to grant a certificate of appropriateness to the applicant, it shall notify the applicant in writing.

(b) Notice shall indicate the reason for disapproval and what changes in the plans and specifications would meet the conditions for protecting the distinctive historic character of the district.

(c) Should the Board fail to notify the applicant of its decision within 30 days of its review of the application, it shall be assumed, as a matter of law, that the application is approved, unless the applicant waives the time limit in writing.

D. The criteria to be used by the Board in making its decisions concerning the issuance of certificates of appropriateness may be developed in detail by the Board. At a minimum, such criteria shall include the following:

(1) Broad historical values representing the cultural, political, economic or social history of the City.

(2) The relationship of the structure to historic personages or events.

(3) Specimen architectural types representative of a certain period, style or method of construction.

(4) The effect of the proposed change upon the general historical and architectural nature of the district.

(5) The historical and/or architectural appropriateness of exterior architectural features which can be seen from a public street or way.

(6) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of building and structures in the district.

E. Certificate of appropriateness applications for the following property modifications must be reviewed by the HARB and approved by City Council:

(1) Demolition.

(2) Installation or construction of animal shelters, greenhouses, garages, carports and storage sheds exceeding 20 square feet.

(3) Construction of building additions which exceed 5% of ground floor area or have an area of more than 100 square feet.

(4) Any change in building height or roof line.

F. The Board shall make or cause to be made a written report to Council summarizing monthly meetings, activities and decisions. The report shall indicate the reasons for any denials of certificate of appropriateness and what, if any, changes in the plans and specifications would be deemed appropriate.

§ 295-111. Reading Board of Historical Architectural Review.

The Board of Historical Architectural Review is hereby created:

A. Membership and terms.

(1) The Board shall be composed of nine members, appointed by City Council; one of whom shall be a registered architect, one a licensed real estate broker, one a person with knowledge of the building trades, one who is either a resident of or owner of property within the Callowhill Historic District, one who is either a resident of or owner of property within the Prince Historic District, one who is either a resident of or owner of property in the Centre Park Historic District, one who is either a resident of or owner of property within the Penn's Common Historic District, one who is either a resident of or owner of property within the Heights Conservation District, and one who has knowledge of or interest in the preservation of historic buildings and districts. **[Amended 6-25-2012 by Ord. No. 70-2012; 6-22-2015 by Ord. No. 29-2015]**

(2) The terms of members shall be fixed so that no more than four terms shall expire during the same calendar year. Upon the expiration of the term of any member, a successor shall be appointed to serve for a term of three years.

(3) The term of any member of the Board who was appointed in his or her capacity as a registered architect, licensed real estate broker, a person with knowledge of the building trades, or a resident of or owner of property in the historical district shall automatically be considered vacant if in the case of the former three, the person ceases to be so engaged, or in the case of the latter, ceases to be either a resident of and/or owner of property in the historical district. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

B. Organization of the Board.

(1) The Board shall comply with the bylaws adopted by the Board December 16, 1986, by Res. 27-86.

(2) The Board shall establish offices and elect officers from its own membership. Nominations for various offices may be made by any member of the Reading Board of Historical Architectural Review. Elections shall be held annually. The chairperson shall fill by appointment any office prematurely vacated.

(3) Any action taken at any meeting shall require the affirmative vote of the majority of Board members present. Each Board member shall be entitled to one vote on any given issue. **[Amended 6-22-2015 by Ord. No. 29-2015]**

(4) An executive committee consisting of the elected officers (chairperson, vice chairperson, secretary) may be established to review applications for adequate content. The executive committee should convene a minimum of four working days before a regularly scheduled meeting.

(5) The number of standing or temporary committees shall be determined by the Board. The chairperson and members of such committees shall be appointed by the chairperson of the Board. Membership on said committees shall terminate automatically upon the expiration of the term of the appointing chairperson.

(6) The Board may form committees and develop policies regarding maintenance, rehabilitation, construction and demolition.

C. Obligation of members.

(1) Board members must attend a minimum of seven meetings per year. If a member is unable to attend three consecutive meetings, the Board as a whole may recommend to City Council that the said member be removed and replaced by a newly appointed member. **[Amended 8-26-2013 by Ord. No. 35-2013]**

(2) Board members are required to attend at least eight hours of informational or educational training per year as determined by the Pennsylvania Historical and Museum Commission.

D. Expenditure for service. City Council may appropriate funds for legal, secretarial, clerk, consultant and other technical assistance required to achieve the aims of this chapter. Board members shall serve without compensation, except that the City may reimburse Board members for expenses incurred in the performance of their duties.

E. Conflict of interest. No member of the Board shall be permitted to take part in the discussion or vote on the issuance of a certificate of appropriateness for any property in which such member has any interest, direct or indirect. Such member shall temporarily absent himself or herself from the table during any such discussion or vote.

F. Removal from office. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. **[Amended 8-23-2010 by Ord. No. 57-2010]**

§ 295-112. Functions of Board of Historical Architectural Review.

A. Recommend to City Council the delineation of boundaries of and designation as historic those districts that the Board determines are significant to the City.

B. Maintain or cause to be maintained the City's Comprehensive Historic Sites Survey and Inventory of Historic Buildings.

C. Review and grant or deny all applications, not approved by the Preservation Officer, for certificates of appropriateness to alter or demolish buildings, structures, sites or objects located within designated historic districts.

D. Make recommendations to the Mayor and City Council concerning the use and availability of grants, gifts and appropriations to promote the preservation of buildings, structures, sites, objects or districts of historic importance to the City.

E. Make recommendations to the Mayor and City Council that the City purchase any facade easement, building, structure, site or object of historic significance where private preservation is not feasible.

F. Increase public awareness of the value of architectural, cultural and historic preservation.

G. Adopt rules of procedure, policies and regulations and establish such committees as the Board deems necessary for the conduct of its business.

H. Keep or cause to be kept records of all proceedings.

I. Delegate to the Preservation Officer such responsibility and authority as it deems appropriate to carry out the routine activities of the Board, including review of applications.

J. Publish and conduct a regular schedule of monthly meetings to carry out Board functions.

§ 295-113. Proper maintenance and demolition by neglect.

A. All work performed pursuant to the issuance of a certificate of appropriateness and building permit shall conform to the requirements of such certificate and permit.

(1) The Preservation Officer shall inspect any work performed pursuant to such certificate and permit to ensure compliance.

(2) In the event that work is not being performed in accordance with the certificate and permit, the Preservation Officer shall direct the Building Inspector to issue a stop-work order and all work shall cease until the work is brought into conformity.

B. The exterior of every historic building, structure, and object located within a historic district shall be kept in good repair.

C. Neglect of the exterior of any historic building, structure, or object located within a historic district which may cause the exterior to deteriorate, decay, become damaged or fall into a state of disrepair shall constitute demolition by neglect.

(1) The Preservation Officer shall order the owner to repair, make watertight, preserve and/or protect such a building, structure or object within 30 days following the receipt of a written order.

(2) The written order shall specify the work to be undertaken and the date for compliance.

(3) Failure to comply shall constitute a violation of this chapter pursuant to § 295-123 hereof.

§ 295-114. Hazardous structures.

In the event that the Building Inspector, the Fire Marshal or a court shall order or direct, in the interest of the public health, safety and welfare, the construction, reconstruction, alteration or demolition of a building, structure, object or site in a historic district, the terms of this chapter may be waived to the extent that the applicant may proceed with the ordered action for the purpose of remedying conditions determined to be imminently dangerous to life, health or property.

§ 295-115. Emergency issuance of a certificate of appropriateness.

There may exist certain situations where building repair is immediately required. In such emergencies a Building Inspector must determine that there will be significant damage to the structure if an emergency situation is not corrected in a timely manner. Subsequent to determination of an emergency situation by the Building Inspector, an emergency issuance of a certificate of appropriateness can be authorized by a majority of the Executive Committee of the Board.

§ 295-116. Financial hardship.

Financial considerations may be taken into account in the review of an application for a certificate of appropriateness for certain repairs or alterations. The applicant must submit the following information:

A. An estimate of the costs for the proposed work as well as an estimate of any additional cost that may be incurred to comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

B. Evidence that there are no other cost-effective methods of appropriate repair or alteration.

C. Any other financial information as may be requested by the Board.

§ 295-117. Conflict with other provisions.

Should any provision set forth in this chapter be found to conflict with any law of the United States or of the Commonwealth of Pennsylvania, such federal and/or state laws shall govern and this chapter shall be construed accordingly. Such conflict shall not affect the validity of the chapter as a whole.

§ 295-118. Interpretation.

All standards set forth in this chapter are to be interpreted as minimum standards required. Nothing herein contained shall be construed to prohibit or prevent the use of higher standards

§ 295-119. Appeals.

A. Any party aggrieved by any decision of the Reading Board of Historical Architectural Review made pursuant to this chapter may file an appeal with the Council of the City of Reading within 30 days after notice of the decision has been made.

(1) Upon receipt of notice to appeal, City Council shall consider at a regular or special meeting the question of issuing to the applicant making the appeal, a certificate of appropriateness for the work covered by the application.

(2) The applicant shall be advised of the time and date of the regular or special meeting at which the appeal shall be considered.

(3) The applicant shall be advised of his/her right to attend the meeting and be heard as to his/her reason(s) for filing both the original application for the proposed scope of work and for the appeal.

(4) If Council approves the application on appeal, a certificate of appropriateness shall be issued for the work specified in the application. Until the appeal has been satisfactorily made to Council, no work shall commence, nor shall a certificate of appropriateness be granted.

(5) If Council disapproves, Council shall indicate the reason(s) for disapproval and indicate what changes to the plans and specifications, if any, would be deemed appropriate.

(6) Council shall send written notice of its decision to the applicant within 30 days of the meeting at which the appeal was heard.

(7) Should Council fail to so notify the applicant, it shall be assumed, as a matter of law, that the application is approved, unless the applicant waives the time limit in writing.

B. Any party aggrieved by any decision of Council made pursuant to the provisions of this chapter may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Failure of such party to file the appeal within such 30 days shall preclude an appeal from such decision.

§ 295-120. Relief from City employee and appointee liability.

Any person charged with the enforcement of this chapter, while acting for the City, shall not thereby render himself or herself personally liable, and he or she is relieved hereby from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit instituted against any officer, employee or appointee because of an act performed by him or her in the lawful discharge of his or her duties shall be defended by the legal representative of the City. In no case shall any such officer, employee or appointee be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this chapter when he or she performs his or her duties in good faith. For the purposes of this chapter, any person who has been assigned duties by the Mayor or Council pursuant to this chapter shall be considered an employee of the City and shall be entitled to the provisions of this section.

§ 295-121. Amendments.

Council may, after public notice and hearing, amend, change or supplement the regulations herein established. Thus, Council may create additional historic districts, change the boundaries of historic districts, or amend the regulations pertaining thereto, provided such amendments are made by ordinance pursuant to the City Charter.

§ 295-122. Notice and prosecution. [Amended 10-25-2010 by Ord. No. 77-2010]

A. Notice. The Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer shall serve a notice of violation on the person in violation of this chapter or of a plan approved under the provisions of this chapter or in violation of a permit or certificate of appropriateness issued under the provisions of this chapter. Such notice shall direct the restraint, correction or abatement of such violation.

B. Prosecution. If the violation is not abated within the time specified in the notice of violation, the Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation.

§ 295-123. Violations and penalties.

Whoever violates the provisions of this chapter or fails to comply with any of the requirements thereof or conducts activities in violation of a permit issued under the provisions of this chapter or who, without having applied for and received an approved permit, conducts activities for which a permit is required under the terms of this chapter shall be guilty of a summary offense and fined not more than $300 for each offense with costs. Each day that a violation continues shall be deemed a separate offense.

Chapter 302

HOUSE NUMBERING

§ 302-101. Director of Public Works to number or renumber.

§ 302-102. Director of Public Works to prepare map with house numbers.

[HISTORY: Adopted by the City Council of the City of Reading 6-28-1894 by Ord. No. 31-1894; amended in its entirety 5-29-2001 by Ord. No. 14-2001 (Ch. 4, Part 2, of the 2001 Code of Ordinances). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

Subdivision and land development — See Ch. 515.

STATE LAW REFERENCES

Numbering of buildings — See 53 P.S. § 37403(19).

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§ 302-101. Director of Public Works to number or renumber.

The Director of Public Works is hereby authorized and empowered to number and renumber, or cause to be numbered and renumbered and equalized the houses within the City of Reading, whenever the same may be necessary.

§ 302-102. Director of Public Works to prepare map with house numbers.

The Director of Public Works is hereby directed whenever occasion requires, in order to number or equalize the numbering of houses, to prepare a map of the same, designating the numbers of the respective houses. Such map showing the changes and numbering as aforesaid shall be filed in the office of the Director of Public Works for reference.

Chapter 308

HOUSING

Part 1
Housing Registration

A
Registration and Inspection

§ 308-101. Definitions.
§ 308-102. Housing registration required.
§ 308-103. Application for housing registration.
§ 308-104. Annual renewal of housing registration.
§ 308-105. Denial of application for housing registration.
§ 308-106. Revocation of housing registration.
§ 308-107. Change of address.
§ 308-108. Inspection.
§ 308-109. (Reserved)
§ 308-110. (Reserved)
§ 308-111. Structural changes.
§ 308-112. Failure to apply for housing registration.
§ 308-113. Owner and occupant duties.
§ 308-114. Owners jointly and severally responsible.
§ 308-115. Fees for housing registration, surcharges and administrative fees.
§ 308-116. (Reserved)
§ 308-117. Official notices.
§ 308-118. Placarding and condemnation.
§ 308-119. Review and appeals.

B
Disruptive Conduct

§ 308-130. Definitions.
§ 308-131. Investigation and report; suspension and/or revocation of housing permit.
§ 308-132. Code and License Appeals Board.
§ 308-133. Appeal to court of proper jurisdiction.
§ 308-134. Share information.
§ 308-135. Compliance with other City of Reading ordinances.

Part 2
Waiver of Fees

§ 308-201. Waiver of construction fees for nonprofit agencies.

Part 3
Abandoned Property Registration

§ 308-301. Definitions.
§ 308-302. Establishment of registry.
§ 308-303. Registration of abandoned real property.
§ 308-304. Maintenance requirements.
§ 308-305. Inspections for violations.
Addendum to Rental Agreement

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

Health code — See Ch. 288, Part 1.

Solid waste — See Ch. 496.

Taxation — See Ch. 549.

Zoning — See Ch. 600.

STATE LAW REFERENCES

Real Estate Licensing and Registration Act — See 63 P.S. § 455.101 et seq.

Part 1
Housing Registration
[Adopted 7-23-2007 By Ord. No. 28-2007 (Ch. 11, Part 1, Of The 2001 Code Of Ordinances); Amended In Its Entirety 3-25-2013 By Ord. No. 17-2013]

A
Registration and Inspection
[Amended 11-23-2015 by Ord. No. 78-2015]

§ 308-101. Definitions.

The following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise. Additional definitions for purpose and use of the property are found within the City of Reading Zoning Ordinance.[1]

BUSINESS PRIVILEGE LICENSE — A license issued by the Berks Earned Income Tax Bureau per City of Reading Codified Ordinance Chapter 549, Taxation, Special, Part 4, Business Privilege Tax, authorizing one to perform business including, for purposes of this subpart, renting.

CODE AND LICENSE APPEALS BOARD — Board authorized to hear, among other things, appeals of and render decisions in matters concerning housing matters.

CODES — Any state or local code or ordinance adopted, enacted or in effect in and for the City of Reading.

CODES OFFICIAL — A City of Reading employee or authorized agent sworn to enforce the City of Reading Codes and Codified Ordinances. This term is used interchangeably with Property Maintenance Inspector (PMI).

OWNER — The record titleholder per Berks County Assessment Office.

PROPERTY MAINTENANCE DIVISION — A division of the City of Reading Community Development Department charged with enforcing the Code of the City of Reading governing issues including, but not limited to, housing, property maintenance, health and blight.

REGISTRATION — Filing of a housing application to register a parcel as required by this subpart.

ZONING — City of Reading Zoning Ordinance (Chapter 600).

ZONING PERMIT — A permit issued by the City of Reading Zoning Division per the City of Reading Zoning Ordinance (Chapter 600).

§ 308-102. Housing registration required.

Owners of residential and mixed-use parcels are required to apply for and renew a housing registration issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created hereunder. Single-family owner-occupied properties are excluded from this requirement.

§ 308-103. Application for housing registration.

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1. **Editor's Note: See Ch. 600, Zoning.**

A. Applications for housing registration shall be made in writing or by electronic application on forms prepared and provided by the City of Reading Property Maintenance Division and shall be accompanied by payment of the applicable fee(s) as per the City of Reading Fee Schedule, Chapter 212. Such forms shall require, but shall not be limited to, the following information and shall be accepted and sworn to by the owner:

(1) The name, business address, date of birth, telephone numbers (business and mobile), and driver's license, state-issued identification or governmental identification number(s) of all of the owner(s) of any residential and mixed-use parcel. A federal EIN (employee identification number) must be provided if the owner is a corporation, limited-liability company, or partnership.

(2) The address of the premises for which the housing registration is required.

(3) A zoning permit application as applicable.

(4) Participation in a recognized trash/disposal program and the City's recycling program will be verified.

(5) The business drivilege license number as provided by the Berks Earned Income Tax Bureau.

B. Registration of any parcel required to have a housing registration is required within 15 days of the change of ownership or change of use.

C. Special provisions for properties with a valid housing permit issued prior to December 31, 2007, but lacking valid zoning permits for multiple-dwelling or rooming house use.

(1) Any property previously registered with the City of Reading Property Maintenance Division and holding a valid housing permit issued by the Reading Property Maintenance Division prior to December 31, 2007, and has remained current shall be required to apply to the Zoning Administrator for a zoning permit prior to submitting an application for a housing registration. The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multifamily rental use is legally permitted as an allowed use or a use previously approved as a conditional use pursuant to Subsection D of § 27-1203 of the Zoning Ordinance, as amended.[2]

(a) If the Zoning Administrator determines that the subject property is located within a zoning district where multifamily rental use is legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a legally permitted use under the applicable zoning, subject to Subsection B hereunder, and it will be required to comply with all of the provisions of this subpart and any other applicable chapters as verified upon inspection by the Property Maintenance Division.

(b) If the subject property had a valid housing permit as of December 31, 2007, but is determined to be located within a zoning district where multifamily rental use is not legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a prior nonconforming use

2. **Editor's Note: See § 600-1203.**

by the Zoning Administrator within the meaning of Subsection B of § 27-607 of the Zoning Ordinance[3] and remain eligible for a housing registration provided it conforms to the remaining requirements of the City of Reading codes and Code of the City of Reading.

(2) The Zoning Administrator shall make a secondary determination as to whether the number of dwelling units present exceeds the number of units previously recorded for the premises in City records. A housing registration will be denied until the property is modified to comply with the number of units previously recorded.

(3) A zoning permit issued by the Zoning Administrator in accordance with Subsections A and B hereinabove shall satisfy the requirements of § 308-105, and the issuance of a housing registration shall be subject to compliance with the remaining provisions of Subsection A.

§ 308-104. Annual renewal of housing registration.

A. Each housing registration shall be renewed by the registrant on or before the first of April in each and every calendar year regardless of when the original registration was filed in the previous year. If the first of April falls upon a Saturday, Sunday or holiday, the deadline shall be the close of business on the next business day. Renewal of a housing registration shall be made in writing or by electronic application upon forms prescribed by the Property Maintenance Division. Submission of annual renewal forms shall be accompanied by payment of the specified renewal fee as per the City of Reading Fee Schedule, Chapter 212.

B. Annual housing registration renewal forms shall require the owner, in addition to the information specifically required in other provisions of this subpart, to provide the following: a) the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable; and b) any changes or alterations to the interior or exterior structural and/or mechanical components or systems of the building or any individual dwelling unit therein including repairs due to casualty loss, since the date of the application of the housing registration or the last renewal thereof, whichever is later. The annual registration-renewal forms shall further require the owner to verify that false statements therein made are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

C. Submission of annual renewal forms after the April 1 deadline shall be subject to a surcharge as provided in the City of Reading Fee Schedule, Chapter 212. All delinquent accounts may be given to collections as per this subpart. Failure to submit an annual renewal form as required herein before July 1 in each and every year may result in the immediate revocation of the housing registration and be subject to § 308-112, Failure to apply for housing registration.

D. In the event of revocation of the housing registration, the property owner must file an application for reinstatement upon a form prescribed by the Property Maintenance Division and the filing of said application shall be accompanied by payment of all outstanding property maintenance fees and surcharges.

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3. Editor's Note: See § 600-607.

E. Notwithstanding the filing of an application for reinstatement, nothing herein shall prevent the City of Reading from undertaking legal action to enforce any other provision of the Code of the City of Reading, including action to enjoin any continued occupancy of the property by tenants residing therein and/or action to abate any nuisance, dangerous condition or other threat to the health and safety of the tenants residing therein or the general public.

§ 308-105. Denial of application for housing registration.

A. The City may deny a housing registration or renewal to any applicant if said housing unit, building or dwelling is not in compliance with any state or local code or ordinance adopted, enacted or in effect in and for the City of Reading, is in pending litigation for violations of the aforesaid code or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.

B. The City may deny an application for a housing registration if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a demonstrable history on three or more occasions of failing to address cited code violations, including lack of utilities, that present immediate threats to human health and safety within the compliance period specified by the Property Maintenance Division, currently has unresolved codes violations, delinquent property maintenance fees or has any tax delinquencies.

C. The City of Reading Property Maintenance Division is hereby authorized to placard and condemn a property for which a housing registration has not been filed with the Property Maintenance Division as required by this subpart. Such action requires vacation of the property as determined by the Property Maintenance Division in the exercise of its discretion.

§ 308-106. Revocation of housing registration.

A. The City of Reading Property Maintenance Division shall have the authority to revoke or suspend the housing registration of any housing unit, building, rooming house, or dwelling that it determines within the reasonable exercise of its discretion to be uninhabitable by humans, and in noncompliance with any state or local code or ordinance adopted, enacted or in effect in and for the City of Reading or has failed an inspection. A housing registration may also be revoked if it is determined that the registration was filed upon material misrepresentations, errors or omissions set forth in the application.

B. The City may revoke a housing registration if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a record of chronic codes violations and currently has unresolved codes violations, delinquent property maintenance fees or has any tax delinquency.

C. A notice of a revocation of a housing registration shall set forth the reason for the revocation and shall be provided in writing to the last known owner of record.

§ 308-107. Change of address.

Any owner of a residential and mixed-use parcel governed by this subpart who relocates or changes mailing address shall file written notice of the same with the City of Reading Property

Maintenance Division within 10 days of such relocation or change in mailing address. Failure to provide such notice will not excuse an owner from penalties due to a violation under this subpart.

§ 308-108. Inspection.

A. All properties that are subjected to registration will be placed into a routine inspection cycle to determine if the parcel is compliant with the applicable codes and codified ordinances. It is the responsibility of the owner to make tenant(s) aware of the date and time of the inspection and obtain tenant consent.

B. An inspection of all applicable parcels will be on a revolving basis not less than every two years nor more than every five years from the start date of the previous routine inspection.

C. An inspection will be conducted as per the Property Maintenance Division's Standard Operating Procedure and a report with any violations or a letter of compliance will be given to the owner as per official notices, § 308-117. The report will list all, if any, violations with a reasonable time identified to remedy the violation.

D. An initial inspection, reinspection and/or extension inspection(s) may be necessary to achieve compliance.

E. Inspection fees and penalties are listed in the City of Reading Fee Schedule, Chapter 212.

F. Complaint inspections. Nothing in this subpart shall preclude the Property Maintenance Division from performing an inspection upon receipt of a complaint of a violation or a violation identified by a Code Official of the City of Reading codes and Code of the City of Reading existing at the parcel. Said inspections shall be in accord with the applicable Codes and ordinances and regulations and policies established by the City of Reading Property Maintenance Division. An inspection will be conducted as per the Property Maintenance Division's Standard Operating Procedure and a report with any violations or a letter of compliance will be given to the owner as per official notices, § 308-117. The report will list all, if any, violations with a reasonable time identified to remedy the violation.

G. Search warrant. If any owner, occupant or other person in charge of a structure subject to the provisions of this subpart refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this subpart is sought, the administrative authority, Property Maintenance Division, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection. The Property Maintenance Division is further authorized to apply for an injunction to a court of competent jurisdiction and seek injunctive relief as necessary.

H. Failure to appear for inspection. If the owner or authorized agent cannot be available at the proposed time, said owner or authorized agent shall provide no less than twenty-four-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee as provided in the City of Reading Fee Schedule, Chapter 212, will be assessed against the owner failing to supply written notice or appear. If the property owner or authorized agent fails to appear for a third scheduled inspection or any combination of scheduled inspections, cancellations or failure to gain entry, the Property Maintenance Division shall assess an administrative fee as provided in the City of Reading Fee Schedule, Chapter 212, and may placard the subject

property and/or promptly seek an administrative search or inspection warrant from a court of competent jurisdiction by supplying all necessary affidavits and testimony in support thereof.

§ 308-109. (Reserved)

§ 308-110. (Reserved)

§ 308-111. Structural changes.

Any change in the structural condition or integrity of a property shall be reported in writing to the Property Maintenance Division within seven days of such change. Prior to any change in the structural condition or integrity of a property, the owner shall obtain any necessary permits from the Building and Trades Office.

§ 308-112. Failure to apply for housing registration.

A. Prohibition. It shall be unlawful for the owner of any property to fail to apply for housing registration as required in § 308-102, Housing registration required.

B. Surcharge.

(1) In the event an authorized City official determines an owner failed to register a property, a noncompliance surcharge as provided in the City of Reading Fee Schedule, Chapter 212, Fees, shall be imposed to the application fee and written notice of noncompliance shall be delivered personally, mailed to the owner by first class/certified mail or email at the last known address, as well as by posting written notice in the form of a placard on the front entrance of the subject property. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service upon any executive officer of a corporation shall be a sufficient, but not the exclusive, method of service upon the corporation. Service upon any partner of a partnership shall be a sufficient but not the exclusive method of service upon the partnership.

(2) Said notice of noncompliance shall advise the owner of the noncompliance surcharge and the requirement to register the property within 15 days from the date of the date of mailing and posting. Failure to submit a complete application or file a written request for review or appeal within the prescribed time shall result in the assessment of a continuing noncompliance surcharge as per the City of Reading Fee Schedule, Chapter 212, until such time as a complete application for a housing registration is received by the Property Maintenance Division. The City of Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.

§ 308-113. Owner and occupant duties.

A. Owner's duties.

(1) It shall be the duty of every owner to keep and maintain all residential and mixed-use parcels in compliance with all applicable codes and provisions of all applicable

state laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in, such parcels.

(2) It shall be the responsibility of every owner to employ policies and manage the residential and mixed-use parcels under his/her control in compliance with the provisions of this subpart, the City codes and Code of the City of Reading and applicable state laws.

B. Tenant/occupant duties.

(1) The occupant(s) shall comply with all obligations imposed unto by this subpart and by the Code of the City of Reading, as well as all state laws and regulations.

(2) The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their control with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby properties by people occupying the same.

(3) The occupant(s) shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the property or engage in disruptive conduct, or other violations of this subpart, City codes or applicable state laws.

(4) Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed report.

§ 308-114. Owners jointly and severally responsible.

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or found to have an equitable interest, each person shall be jointly and severally responsible for the duties imposed under the terms of this subpart and shall be severally subject to prosecution for the violation of this subpart.

§ 308-115. Fees for housing registration, surcharges and administrative fees.

A. Fee Schedule. Fees required for an application for, and annual renewal of, a housing registration, as well as inspection-related and other applicable fees shall be established by City Council and included on the City's Fee Schedule.

B. Waiver of fees. The registration fees established in Subsection A above shall be waived if the owner, spouse or family member of the owner occupy a single-family property.

C. Prosecution of violation. Notwithstanding the above, nothing will prevent the Property Maintenance Division from commencing a summary offense criminal action via the issuance of a nontraffic citation for sections of Chapter 308 in accord with the Pennsylvania Rules of Criminal Procedure in the court of appropriate jurisdiction and the violations shall be deemed a strict liability offense.

D. Collections. All delinquent fees under this subpart shall be turned over to a collections agency and are subject to collection costs.

§ 308-116. (Reserved)

§ 308-117. Official notices.

All official notices shall be delivered by first class mail to the address of record of the owner. The address of record of the owner shall be that provided to the Property Maintenance Division and in the absence of the same the address provided by the County of Berks. Any owner change of address must comply with § 308-107. There shall be a rebuttable presumption that any notice required to be given under this subpart shall have been received by owner if the notice was given in the manner provided. A claim of lack of knowledge by the owner of any violation hereunder or City of Reading codes shall not be a defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such action were given and deemed received in accord with the applicable provisions of this subpart.

§ 308-118. Placarding and condemnation.

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Division, vacation within a specific and reasonable amount of time for vacation of a property that is being rented and for which a housing registration has not been filed or for which an inspection has not been completed by the Property Maintenance Division as required by § 308-108 of this subpart.

§ 308-119. Review and appeals.

A. Review and appeals.

(1) A property owner may make a written request to the Director of the Department of Community Development within 15 calendar days for review of any fees or surcharges (including the calculation thereof) imposed upon a finding of noncompliance. The Director of Community Development, or his designee, shall conduct said review and issue a written determination.

(2) If a property owner feels aggrieved by a review finding, the property owner must make a written request within 15 days of the date of the determination to the Director of Community Development for a de novo appeal to challenge or dispute a finding of noncompliance and/or the calculation of any fees or surcharges imposed as a result thereof. The request shall be accompanied by a deposit as per the City of Reading Fee Schedule, Chapter 212, as security for the payment of costs in the event findings and calculations by the Property Maintenance Division are affirmed. The appeal shall be conducted by the Code and License Appeals Board as per the applicable ordinance. The unexcused failure of the owner to appear for said appeal will result in the denial and dismissal of the challenge or dispute. The cost of the appeal shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

B. Subsequent appeals. Any subsequent appeal filed under this subpart shall be filed to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S.A. §§ 751 and 752.

B
Disruptive Conduct

§ 308-130. Definitions.

As used in this subpart, the following terms shall have the meanings indicated:

CODE AND LICENSE APPEALS BOARD — Board authorized to hear, among other things, appeals of and render decisions in matters concerning disruptive conduct reports. **[Added 11-23-2015 by Ord. No. 78-2015]**

DISRUPTIVE CONDUCT — Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a housing unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a police officer and/or a public officer complaining of such conduct, action, incident, or behavior, with the exception of domestic abuse or domestic violence, as per Pa. Title 23 Domestic Relations, Chapter 61, and as defined herein. Exemptions may also include circumstances relating to familial status or disabilities. It is not necessary that such conduct, action, incident or behavior constitutes a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The occupant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing. **[Amended 4-14-2014 by Ord. No. 24-2014]**

DISRUPTIVE CONDUCT REPORT — A written report of disruptive conduct on a form to be prescribed therefor to be completed by a police officer or a public officer, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Police and Property Maintenance Division.

DOMESTIC ABUSE or DOMESTIC VIOLENCE — A pattern of abusive or harmful behavior within the confines of an intimate relationship. Domestic abuse generally occurs between people who do or do not share a home, such as a husband and wife, boyfriend and girlfriend, parent and child, estranged spouses, etc. Some examples of domestic abuse include but are not limited to the following: **[Added 4-14-2014 by Ord. No. 24-2014]**

A. Physical abuse (hitting, pushing, kicking, restraining, throwing objects or otherwise touching another with unwanted physical aggression).

B. Verbal abuse (using derogatory or emotionally hurtful language with the intent to invoke fear or lower self-esteem).

C. Sexual abuse.

D. Emotional abuse.

E. Intimidation.

F. Threatening.

G. Stalking.

TWELVE-MONTH PERIOD — For purposes of this subpart, twelve-month period shall be calculated by counting 12 months back from the most recent disruptive conduct report.

§ 308-131. Investigation and report; suspension and/or revocation of housing permit. [Amended 4-14-2014 by Ord. No. 24-2014][4]

Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct form upon finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said form shall include the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the disruptive conduct form will be provided to the occupant. If the finding is considered valid by the Reading Police Department, a copy of the disruptive conduct report shall be mailed to the occupant and mailed to the owner within 15 working days of the date the form is issued to the occupant.

A. Eviction. After two disruptive conduct incidents in any twelve-month period by an occupant documented by disruptive conduct reports, the owner shall have 10 working days from the date of the written notice to begin eviction proceedings against the occupant(s) or pursue an appeal. This subsection is not intended to limit or inhibit the owner's right to initiate eviction action.

B. Suspension or revocation of housing permit. Failure of an owner or local authorized agent to take action required in Subsection A above will result in the commencement of the process to suspend the housing permit for the property where the disruptive conduct incident occurred in accordance with/per the process established herein, notwithstanding any other requirements therefor.

C. Reinstatement of housing permit. The housing unit involved shall not have its housing permit reinstated until the applicable reinstatement fee is paid and the disruptive occupants have been evicted, unless the appeal filed by the property owner or occupant has concluded and was approved. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this part which require suspension or revocation, a housing permit shall not be reinstated until compliance with the requirements therefor have occurred.

D. Report against all occupants. The content of the disruptive conduct report shall count against all occupants of the housing unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the housing unit occupants. More than one disruptive conduct report filed against the occupants of a housing unit in a twenty-four-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection.

E. Maintenance of list of disruptive conduct report tenants and occupants and evicted occupants. The Property Maintenance Division shall maintain a list of the names of all occupants and tenants against whom a disruptive conduct report is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and

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4. Editor's Note: Ordinance No. 78-2015, adopted 11-23-2015, renumbered former Subsections D through F of this section as Subsections C through E, respectively.

tenants evicted as a result of this Part. The names shall remain on the list for a period of five years.

§ 308-132. Code and License Appeals Board. [Amended 4-14-2014 by Ord. No. 24-2014; 11-23-2015 by Ord. No. 78-2015]

A. Appeals. The occupant and/or owner may appeal the contents of said disruptive conduct report. Additionally, any person aggrieved by the suspension, nonrenewal, denial or revocation of a housing registration may appeal. All appeals must be filed, in writing, with the Director of the Department of Community Development, with the appropriate filing fee, as per the City of Reading Fee Schedule, Chapter 212, within 15 business days from the date appearing on the disruptive conduct report or notice of suspension, nonrenewal, denial or revocation of a housing permit mailed to the occupant or property owner.

B. Enforcement upon resolution of appeal of Code and License Appeals Board. Upon a successful appeal to the Code and License Appeals Board, that disruptive conduct report will be withdrawn and discounted within that twelve-month period. However, once all appeals to the Code and License Appeals Board have been exhausted and a second disruptive conduct report has been confirmed, the public officer shall reinspect the premises in question 15 business days from the date of decision to ensure either that the unit is vacant, or that the owner has commenced the eviction process. Failure to comply will result in revocation of the unit's housing registration.

§ 308-133. Appeal to court of proper jurisdiction. [Amended 4-14-2014 by Ord. No. 24-2014; 11-23-2015 by Ord. No. 78-2015]

Once a DCR is issued, any person aggrieved by any decision of the Code and License Appeals Board may immediately appeal to the Court of Common Pleas of Berks County, or a court of proper jurisdiction. Such appeal shall be made by a duly verified petition in accordance with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be incorrect or illegal, in whole or in part. A timely petition filed with the Court shall be served upon all parties before the Code and License Appeals Board, including the Board and City of Reading, at the time of its filing and shall stay enforcement of the Board's decision. A successful appeal to the Court shall rescind all prior disruptive conduct reports issued within a twelve-month period.

§ 308-134. Share information.

The City of Reading Property Maintenance Division is authorized to share any and all information obtained under this code with the other departments and divisions of the City of Reading.

§ 308-135. Compliance with other City of Reading ordinances. [Amended 11-23-2015 by Ord. No. 78-2015]

Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with any state or local code or ordinance adopted, enacted or in effect in and for the City of Reading.

Part 2
Waiver Of Fees

[Adopted 8-22-2008 By Ord. No. 43-2008 (Ch. 11, Part 2, Of The 2001 Code Of Ordinances)]

§ 308-201. Waiver of construction fees for nonprofit agencies.

A. Certain nonprofit agencies are unique in the City because they:

(1) Provide owner-occupied housing.

(2) Create taxable projects.

(3) Offer 0% mortgage to the homeowner of a project.

(4) Have an all-volunteer labor pool.

(5) Create homeownership opportunities for low-income families who perform sweat equity on the rehabilitation or construction of their homes.

B. The fees payable to the City for the rehabilitation or construction of single-family residences in Reading, by organizations meeting the above criteria be waived and that said waiver shall not pertain to City, county or school taxes which may become due and payable on these properties during or subsequent to the construction period.

C. Request for waiving the fees shall be submitted to and approved by the City prior to commencing the project(s).

Part 3
Abandoned Property Registration

[Adopted 10-14-2013 By Ord. No. 48-2013[5]; Amended In Its Entirety 11-23-2015 By Ord. No. 78-2015]

§ 308-301. Definitions.

The following words, terms and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ABANDONED REAL PROPERTY — Any real property located in the City, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the mortgagee holding a mortgage on the property, is subject to an ongoing foreclosure action by the mortgagee, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the mortgagee under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed and any default on the mortgage has been cured.

APPLICABLE CODES — To include, but not be limited to, the City's Codified Ordinances ("City Code") and the Pennsylvania Building Code.

ENFORCEMENT OFFICER — Any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the City to enforce the applicable code(s).

MORTGAGEE — The lender in a mortgage.

VACANT — Any building or structure that is not legally occupied.

§ 308-302. Establishment of registry.

Pursuant to the provisions of this Part, the City or designee shall establish a registry cataloging each abandoned property within the City, containing the information required within.

§ 308-303. Registration of abandoned real property.

A. Any mortgagee who holds a mortgage on real property located within the City of Reading shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within 10 days of the inspection, register the property with the City's Property Maintenance Division on forms or website access provided by the City, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

B. If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until: 1) the mortgagor or other party remedies the default; or 2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within 10 days of that inspection, update the property registration to a vacancy status on forms or website address provided by the City.

C. Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties,

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5. Editor's Note: This Ordinance Provided An Effective Date Of 1-1-2014.

the folio or tax number, and the name and twenty-four-hour contact phone number of the property management company responsible for the security and maintenance of the property.

D. A nonrefundable annual registration fee shall be assessed as per the City of Reading Fee Schedule and shall accompany the registration form or website registration.

E. All registration fees must be paid directly from the mortgagee, servicer, trustee or owner. Third-party registration fees are not allowed without the consent of the City and/or its authorized designee.

F. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

G. Properties subject to this Part shall remain under the annual registration requirements of this section and the inspection requirements of this Part.

H. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within 10 days of the change.

I. Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Part is a violation of this Part and shall be subject to enforcement.

J. Pursuant to any administrative or judicial finding and determination that any property is in violation of this Part, the City may take the necessary action to ensure compliance as per this Part.

§ 308-304. Maintenance requirements.

All abandoned real properties are subject to the requirements contained within the City's Property Maintenance Ordinance.

§ 308-305. Inspections for violations.

Adherence to this Part does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property.

308 Attachment 1

City of Reading

Addendum to Rental Agreement
[Amended 8-22-2008 by Ord. No. 43-2008, 9-22-2008 by Ord. No. 55-2008]

This Addendum to Rental Agreement is made this _____ day of _____, 20___, and is incorporated into and shall be deemed and amend and supplement the Rental Agreement made by the undersigned Tenant and Landlord, their heirs, successors and assigns, dated _____. The Rental Agreement and this Addendum pertain to the premises described in said agreement and located at _____.

This Addendum is required by the Certification of Rental Units Ordinance of the City of Reading.

ADDITIONAL COVENANTS AND OBLIGATIONS

In addition to the covenants and obligations set forth in the aforementioned Rental Agreement, Tenant and Landlord hereby covenant and agree as follows:

A. Landlord's Covenants and Obligations:

1. Landlord shall keep and maintain the leased premises in compliance with all applicable codes and ordinances of the City of Reading and all applicable state laws and shall keep the leased premises in good and safe condition.

2. The local responsible agent for the leased premises shall be as follows:

   _____
   Name

   _____
   Address

   _____
   Telephone Number

3. The Landlord shall be responsible for regularly performing all routine maintenance, including lawn mowing and ice and snow removal, and for making any and all necessary repairs in and around the leased premises, except for any specific tasks which the parties hereby agree shall be delegated to the Tenant and which are identified as follows:

   _____

   _____

   _____

4. The Landlord shall promptly respond to reasonable complaints and inquiries from the Tenant.

5. The Landlord shall comply with all applicable provisions of the Landlord/Tenant Act of the Commonwealth of Pennsylvania.

B. Tenant's Covenants and Obligations:

1. Tenant shall comply with all applicable codes and ordinances of the City of Reading and all applicable state laws.

2. Tenant agrees that the maximum number of persons permitted within the regulated rental unit at any time and the maximum number of persons permitted within the common areas of the leased premises at any time shall be in accordance with the habitability requirements and occupancy limits provided for in the International Building Code as adopted by the City of Reading, International Existing Building Code as adopted by the City of Reading, International Fire Code as adopted by the City of Reading, International Residential Code as adopted by the City of Reading, City of Reading Property Maintenance Code, and City of Reading Zoning Ordinance.

3. Tenant shall dispose of all rubbish, garbage and other waste from the leased premises in a clean and safe manner and shall separate and place for collection all recyclable materials in compliance with the City of Reading's Solid Waste and Recycling Ordinances.

4. Tenant shall not engage in any conduct on the leased premises which is declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled Substance, Drug, Device and Cosmetic Act, nor shall Tenant permit others on the premises to engage in such conduct.

5. Tenant shall use and occupy the leased premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others.

6. Tenant shall not cause, nor permit, nor tolerate to be caused damage to the leased premises, except for ordinary wear and tear.

7. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in "disruptive conduct," which is defined as "any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises or causes damage to said premises, such that a report is made to a Police Officer and/or a Public Officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein. Provided, however, that no disruptive conduct shall be deemed to

have occurred unless a Public Officer or a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report of such occurrence. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences in writing."

8. Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Code of the City of Reading including, but not limited to, the Housing Ordinance/Code, the Health Code, the Property Maintenance Code and the Solid Waste and Recycling Ordinances, and that the issuance by a Public Officer or Police Officer of the City of Reading of two disruptive conduct reports in any twelve-month period relating to the leased premises shall constitute a breach of the rental agreement of which this addendum is a part. Upon such breach, Landlord shall have the right and option to pursue any and all of the following remedies:

   a. Termination of the rental agreement without prior notice; and

   b. Bring an action to recover possession of the leased premises without abatement of rents paid, including reasonable attorney's fees and costs; and

   c. Bring an action to recover the whole balance of the rent and charges due for the unexpired lease term, including reasonable attorney's fees and costs; and

   d. Bring an action for damages caused by Tenant's breach, including reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

_____	_____
WITNESS	TENANT
_____	_____
WITNESS	TENANT
_____	_____
WITNESS	TENANT

Chapter 325

LAW ENFORCEMENT

Part 1
Crossing Police Lines

§ 325-101. Crossing police lines.
§ 325-102. Violations and penalties.

Part 2
False Reports to Police

§ 325-201. False reports to police.
§ 325-202. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

STATE LAW REFERENCES

False Alarms — see 18 Pa.C.S.A. § 4905.

Part 1
Crossing Police Lines

[Adopted 9-23-1964 By Ord. No. 29-1964; Amended In Its Entirety 5-29-2001 By Ord. No. 14-2001 (Ch. 6, Part 6B, Of The 2001 Code Of Ordinances)]

§ 325-101. Crossing police lines.

No person shall cross a police line without the express permission of the Police Department. A "police line" means the boundary of an area which has been temporarily isolated or set apart by ropes, barricades or other methods, by the police in pursuance of official duties and which boundary or line is plainly marked by a sign bearing the inscription "POLICE LINE-DO NOT CROSS."

§ 325-102. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

Part 2
False Reports To Police

[Adopted 9-23-1964 By Ord. No. 30-1964; Amended In Its Entirety 5-29-2001 By Ord. No. 14-2001 (Ch. 6, Part 6A, Of The 2001 Code Of Ordinances)]

§ 325-201. False reports to police.

No person shall knowingly make, or cause to be made, any false report or misleading call or request for any of the services of the Police Department.

§ 325-202. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

Chapter 328

LEAD-BASED PAINT

§ 328-101. Definitions.
§ 328-102. Prohibited use and distribution of sources of lead hazards.
§ 328-103. Determination of lead hazard.
§ 328-104. Inspection and access.
§ 328-105. Testing procedures and standards.
§ 328-106. Risk assessment.
§ 328-107. Notification and abatement.
§ 328-108. Abatement of lead hazard.
§ 328-109. Exemptions.
§ 328-110. Protection of occupants.
§ 328-111. Liability of City of Reading, Pennsylvania.
§ 328-112. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 10-23-2000 by Ord. No. 21-2000 (Ch. 10, Part 3, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

STATE LAW REFERENCES

Hazardous substances list — See 35 P.S. § 7303.

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§ 328-101. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ABATE or ABATEMENT — The reduction of the presence of lead on surfaces and other sources that result in the possibility of lead toxicity or poisoning.

APPROVED or APPROVAL — Granted by the City of Reading, Pennsylvania, upon satisfactory compliance with the norms of Title 10 of the Residential Lead-Based Paint Act of 1992 set forth in the guidelines for the evaluation and control of lead-based paint hazards in housing.

CITY OF READING, PENNSYLVANIA — The City of Reading, Pennsylvania, Board of Health, Principal Health Officer, Property Improvement Division Manager, or any successor bureau or agency or any authorized representative or agent of the City of Reading, Pennsylvania.

DWELLING — A building or structure, or a dwelling unit composed of a room or group of rooms within a structure, occupied or designed or intended to be occupied as a place for human habitation or use, or any part thereof, including any accessory building, structure, yard or fence belonging thereto or usually enjoined therewith and any institutional or nonresidential structure or a room or group of rooms within an institutional or nonresidential structure, such as day-

care centers, child-care facilities, school, church or recreational facilities, including any building, structure, yard or fence belonging thereto or usually enjoined therewith, and shall include all movable or removable objects contained therein including, without limitation, toys, furniture, utensils and appliances.

ELEVATED BLOOD LEAD LEVEL — The level of lead in the blood of a child under six years of age confirmed by venous sample to be equal to or greater than the lead level defined as elevated by the United States Centers for Disease Control.

ENCAPSULATION — Any covering or coating that acts as a barrier between lead-based paint and the environment, the durability of which relies on adhesion and the integrity of the existing bonds between multiple layers of paint and between the paint and the substrate.

ENCLOSURE — Use of rigid durable construction materials that are mechanically fastened to the substrate to act as a barrier between the lead-based paint and the environment.

EXTRACTABLE OR LEACHABLE LEAD — Quantity of lead in food containers, cooking, eating or drinking utensils or tableware.

LEAD-BASED PAINT OR COATINGS — Any paint, varnish, glaze or other applied liquid surface coating including putty or plaster which contains a quantity of lead in excess of 1.0 milligrams per square centimeter of surface.

OCCUPANT — Any person living, sleeping, cooking, eating in or having actual possession of a dwelling.

OWNER — Any person, firm, corporation, guardian, conservator, receiver, trustee, executor or other judicial officer who, alone or jointly or severally with others, owns, holds or controls the whole or any part of the freehold or leasehold title to any property containing a dwelling, with or without occupying actual possession thereof; and shall include, in addition to the holder of legal title, any vendee in possession thereof. In the case of an object such as a toy, item of furniture, utensils, appliance or other household item which is the property of a tenant, the tenant shall be considered the owner.

RECOGNIZED METHOD OF ANALYSIS — Any method of lead detection and analysis recognized by the Department of Housing and Urban Development which results in measurement of lead in milligrams in a square centimeter of a particular area including, without limitation, a radioisotope X-ray fluorescent analyzer for in-place determination of lead content.

REMOVAL — Stripping of paint from contaminated surfaces by approved method, or replacement and disposal of contaminated items.

RISK ASSESSMENT — An official inspection conducted on a property by a suitably trained inspector and approved by the City of Reading, Pennsylvania, for the purpose of locating and identifying lead poison hazards that could affect humans, especially children.

SOURCES — All interior surfaces of a dwelling and those exterior surfaces of a dwelling which are readily accessible to children under six years of age, such as stairs, decks, porches, railings, windows, doors and siding. Any yard or other area in the vicinity of a dwelling including, without limitation, any soil, yard or other area which may be subject to contamination from flaking or peeling lead-based coatings or any other source of lead is also considered an exposed surface.

SURFACE — The outermost layer or superficial area (excluding paint, plaster or putty) of the interior or exterior of a dwelling including, but not limited to, the outermost layer or superficial area of walls, ceilings, floors, stairs, windows, windowsills, window frames, window sashes,

doors, door frames, baseboards and woodwork and the outermost layer or superficial area of objects such as toys, furniture, utensils, appliances or other household items.

§ 328-102. Prohibited use and distribution of sources of lead hazards.

A. No person shall apply lead paint to toys, furniture, kitchen utensils or the interior surfaces of any dwelling, dwelling unit, rooming house, rooming unit or facility where children live or enter. Such interior surfaces include, but are not limited to, windowsills, window frames, doors, door frames, walls, ceilings, stair rails and spindles or other appurtenances.

B. No person shall sell, transfer or deliver toys or furniture to which lead paint has been applied.

C. Use and distribution of cooking and drinking vessels or eating utensils containing extractable or leachable lead in excess of seven micrograms per millimeter is prohibited.

D. Labeling of substances having lead content.

(1) No person shall store, sell or transfer for retail purposes any lead-based paint unless the container used in retail trade bears a warning statement which shall be an integral part of the label, shall be placed in a conspicuous place on the immediate container of such paint and shall be printed in letters which are legible and in conspicuous contrast with other printing appearing on the container. The statement shall be in substantial conformance with state and federal laws and regulations and recommended standards of the Federal Hazardous Substances Labeling Act, and shall further conform in wording and type style and size as follows, or shall be an approved equivalent:

	Type Size and Style
WARNING	(10 pt. caps)
CONTAINS LEAD. HARMFUL IF EATEN.	(10 pt. caps)
DO NOT APPLY ON TOYS, FURNITURE, WINDOW SILLS OR OTHER INTERIOR SURFACES OF ANY DWELLING OR FACILITY WHICH MAY BE OCCUPIED OR USED BY CHILDREN. KEEP AWAY FROM HEAT AND OPEN FLAME. AVOID PROLONGED CONTACT WITH SKIN AND BREATHING OF VAPOR OR SPRAY MIST. CLOSE CONTAINER AFTER EACH USE.	(10 pt. caps)
USE WITH ADEQUATE VENTILATION.	(12 pt. type)
KEEP OUT OF THE REACH OF CHILDREN.	(12 pt. type)

(2) This warning statement shall also be required on accompanying literature, including directions for use. Where tinting or coloring added to paint at the point of sale produces a final paint product with more than 0.01% lead content, the labeling requirements of this section shall apply.

(3) Labels on containers of lead paint manufactured prior to the effective date of this chapter shall be made to conform with the above labeling requirements by the application of a separate warning label which shall be affixed directly upon the existing label. However, after one year from the effective date of these regulations, the warning shall be an integral part of the label on the container.

§ 328-103. Determination of lead hazard.

A. Any lead source shall be considered a health hazard to children under six years of age, pregnant women or to other persons who have demonstrated an evidence of elevated levels of blood lead.

B. Any source of lead including, without limitation, a lead-based coating, shall be considered a health hazard to a child under six years of age with levels of blood lead equal to or greater than 20 micrograms per deciliter of whole blood, or persistent bll. of 15 or more, if:

(1) It exists in or about a dwelling in which a child under six years of age with said elevated levels of blood lead, commonly resides or visits;

(2) It is determined to be on any flaking, peeling, nonintact deteriorated surface or on any exposed surface or in any soil or dust found in or about the dwelling or in any rugs, carpet or other surface coverings in or about the dwelling; and

(3) It contains a quantity of lead in excess of 1.0 milligrams per square centimeter of surface when measured by a recognized method of analysis.

§ 328-104. Inspection and access. [Amended 12-28-2009 by Ord. No. 76-2009]

A. The City of Reading, Pennsylvania, through its agents or employees, is authorized to make inspections upon display of proper identification to determine compliance with this chapter.

B. Every occupant of a dwelling shall grant to the owner thereof or his agent or employee or any person with whom the City of Reading, Pennsylvania, has contracted, free access to it at all reasonable times for the purpose of effecting compliance with this chapter and with any notice or order issued under this chapter.

C. All lead inspections conducted by the City of Reading shall be at the owner's expense including the initial inspection and the clearance inspection. In the event that the property does not pass the clearance inspection, an extension may be granted at the owner's expense if the owner and the tenant accept additional training.

D. Inspection. If the owner or representative of the owner cannot be available at the scheduled time, said owner or representative shall provide no less than twenty-four-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee as set forth in Subsection E will be assessed against the owner or representative of the owner.

E. Schedule of fees. Fees for the following shall be as set by ordinance; see Chapter 212, Fees.[1]

(1) Initial inspection.

(2) First inspection extension.

(3) Each subsequent inspection extension.

(4) Administrative fee for no show.

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1. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

F. Collections. All bills or accounts governed by this chapter which are not paid by May 1 of each year or within 60 days of billing shall be turned over to a collection agency for receipt.

§ 328-105. Testing procedures and standards.

A. Testing and environmental investigation may be performed by any public or private agency, entity or firm approved by the City of Reading, Pennsylvania, and certified by the State of Pennsylvania.

B. The physical determination of the lead content of surface material in a dwelling, or of the lead content of any exposed surface shall be made by nondestructive measurements using a recognized method of analysis. All instruments used for in-place determination of lead content shall be operated by a certified operator with proof of the same being submitted to the City of Reading, Pennsylvania.

§ 328-106. Risk assessment.

A. A risk assessment for lead hazards shall be conducted on any property that meets one of the following conditions:

(1) A child under six years of age with levels of blood lead equal to or greater than 20 micrograms per deciliter of whole blood, or persistent bll. of 15 or more is found to be occupying the property.

(2) A child under six years of age with levels of blood lead exceeding, equal to or greater than 20 micrograms per deciliter of whole blood, or persistent bll. of 15 or more that visits a property on a regular basis.

(3) Any property that receives federal funding for the purpose of rehabilitation, renovation or conversion of dwelling units occupied now or could be occupied in the future by any child under six years of age.

B. Risk assessments shall take the following items into consideration to determine the extent of the hazard:

(1) Consideration of the age and type of construction of the building as compared to other buildings in the area.

(2) Physical and sanitary condition of all painted surfaces.

(3) Water piping.

(4) Soil on the property.

(5) Field testing of painted surfaces by any approved method of the Department of Housing and Urban Development.

C. The risk assessor listing the areas inspected will issue a written and signed document, the locations of the lead and the conditions of the leaded surfaces. A risk assessment is based only on conditions observed and recorded at the time of this inspection.

§ 328-107. Notification and abatement.

A. Testing for health hazard. Upon receipt of:

(1) Notification by a certified medical physician that a child under six years of age has an elevated blood lead level.

(2) The results of an investigation indicating that there exists or may exist in a dwelling in which the child resides or visits, a lead-based coating or other source of lead which may cause or contribute to the child's elevated blood lead level. The City of Reading, Pennsylvania, can perform or cause the performance of the testing and environmental investigation to determine whether there exists a health hazard under § 281-106.

B. Notice of violation. If it is determined that there exists a health hazard under § 281-103, the City of Reading, Pennsylvania, shall issue a violation notice ordering the owner and/or occupant as applicable, to abate by removal, encapsulation or enclosure or to perform interim controls such as repainting enclosure or other acceptable method of the hazard in a reasonable time as specified by the City of Reading, Pennsylvania. The owner and/or occupant to whom the violation notice has been directed shall bear the cost of abatement and shall complete the Lead Abatement/Hazard Reduction Methodology form provided them by the City of Reading, Pennsylvania, as prescribed herein. The owner and/or occupant to whom the violation notice has been directed shall submit proof, satisfactory to the City of Reading, Pennsylvania, of abatement promptly upon completion.

C. Placarding of property. If the owner and/or occupant to whom the violation notice has been directed fails to abate the hazard in a reasonable time as specified by the City of Reading, Pennsylvania, the dwelling may be placarded with a sign that indicates: "This property is unfit for human habitation due to lead poisoning hazards and cannot be reoccupied until all the hazards are abated." It shall be illegal for anyone but the City of Reading, Pennsylvania, to remove or obstruct the visibility of said placard. Removal by the City of Reading, Pennsylvania, shall be at a cost of $100 payable upon application to remove the placard.

§ 328-108. Abatement of lead hazard.

All abatement performed pursuant to this section shall follow the norms set forth in the "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" issued by the U.S. Department of Housing and Urban Development, June 1995, based on Title 10 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, and shall follow the following procedures:

A. Completion of Lead Abatement Methodology Form. Within 10 days following receipt of the written order, the owner shall submit to the Property Improvement Division the Lead Abatement/Hazard Reduction Methodology form provided to them by the City of Reading, Pennsylvania. This form shall be returned to the Division of Property Improvement within five business days of receipt of the notice that a lead hazard exists in the property and prior to the start of abatement. The lead abatement/hazard reduction form shall consist of written plans and a schedule for the elimination of the hazard. Said plans and schedule shall specify in detail the means, methods, materials and dates by which correction will be achieved. One of the following approved methods shall be used to bring about compliance and shall be included in the plans and schedule submitted:

(1) Wet stripping of the surface to the bare underlying material which does not contain lead at the unsafe levels.

(2) The covering of such surfaces which contain lead at unacceptable levels with permanently affixed coverings, the surface of which said permanently affixed covering is incapable of being readily chewed through, torn from the surface, pierced or otherwise removed in such manner as to expose the hazardous surface (for example hardboard, plywood, drywall, plaster).

B. Approval/disapproval of abatement plan. Promptly upon receipt of the plans and schedule, the Division of Property Improvement shall approve or disapprove such plans and schedule. Notice of any disapproval shall be accompanied by specific reasons therefor. Upon receipt of a disapproval notice, the owner shall within four days resubmit the plans and schedule with such revisions as are necessary to remove the objections. Upon disapproval of a second plan by the Department of Property Improvement, said owner and/ or occupant shall be issued a written notice indicating schedule and method of abatement which will be required to bring the dwelling, or pertinent areas, into compliance. Said owner shall complete abatement of the lead hazard within 15 days after receiving notification from the Division of Property Improvement that the plans and schedule have been approved, unless said Division extends the time for compliance.

C. Approved methods of abatement.

(1) Removal. Lead-based paint shall be completely removed from any surface that can be chewed or eaten by children. Any cracked, chipped, blistered, or peeling lead-based paint shall be completely removed to the base surface under such safety conditions as may be approved by the Property Improvement Division.

(2) Encapsulation. The capping over of such surfaces which contain lead at unacceptable levels with permanently affixed coverings, the surface of which is lead-free and which said permanently affixed covering is incapable of being readily chewed through, torn from the surface, pierced or otherwise removed in such manner as to expose the hazardous surface (for example, hardboard, plywood, drywall, plaster).

(3) Enclosure. Repainting of such surfaces that contain lead at unacceptable levels with a non-lead-based paint with a manufacturer's warranty of twenty-year rating. This method shall not be deemed to be satisfactory for compliance with this chapter where evidence has been obtained of children under six years of age chewing the surface.

D. Disapproved methods of abatement.

(1) The methods used for the removal of lead-based paint shall not present a hazard to health from fumes, dust or vapors by inhalation or absorption through the skin and mucous membranes and shall be in accordance with all applicable laws, ordinances, regulations, safety standards and practices of the City of Reading, Pennsylvania, state and federal agencies.

(2) Dry sanding, heat guns capable of producing temperatures in excess of 1,100° F., the use of an open flame torch and chemical strippers containing methylene chloride are prohibited as part of any abatement techniques.

§ 328-109. Exemptions.

The Division of Property Improvement may, on a case-by-case basis, approve an alternative procedure for abatement of a lead paint violation, provided that the owner submits a written

description of an alternative procedure to the Division of Property Improvement and demonstrates that compliance with City of Reading, Pennsylvania, procedures are not practical or feasible in the individual case and that the proposed alternative procedure provides the equivalent control and removal.

§ 328-110. Protection of occupants.

A. No owner, landlord, agent or person found to be in violation of this chapter may evict, or cause to be evicted from any apartment or building, occupants or occupants whose children under six years of age have demonstrated evidence of levels of blood lead equal to or greater than 20 micrograms per deciliter of whole blood or persistent bll. of 15 or more for the purpose of avoiding corrective maintenance which may have been ordered by the City of Reading, Pennsylvania, or a court of law.

B. In the event the dwelling or dwelling unit or premises in which a lead hazard is found is vacated by the occupant who occupied the same at the time of the issuance of a corrective notice referred to in Subsection A, such dwelling, dwelling unit or premises shall not be let or occupied by any other person until corrective measures are taken to bring it into compliance.

§ 328-111. Liability of City of Reading, Pennsylvania.

The issuance of a statement by the City of Reading, Pennsylvania, to an owner and/or occupant that a violation notice has been abated, removed or encapsulated does not subject the City of Reading, Pennsylvania, to any claims for liability if the issuance of the statement was made in good faith.

§ 328-112. Violations and penalties.

A. In addition to any other sanction or remedial procedure, any owner or occupant or other person who violates any provision of this chapter, upon conviction thereof, shall be fined not less than $100 and not more than $1,000 plus restitution for costs, or be confined in jail not exceeding 30 days, or both. Each day's continuance of a violation shall constitute a separate offense.

B. The imposition of a penalty herein prescribed shall not preclude the City of Reading, Pennsylvania, from instituting appropriate action by injunction or any other legal remedy to prevent or correct any violation of this chapter including, but not limited to, the right to make corrections, utilizing qualified personnel, or to have corrections made under agreement with a professional contractor for any dwelling not in compliance with this chapter whose owner cannot be located or who does not comply with any notice or order to make corrections. The City of Reading, Pennsylvania, shall bill the owner and place a lien against the property for any expense incurred and unpaid. The City of Reading, Pennsylvania, retains the right to enforce these remedies irrespective of any other code enforcement.

Chapter 332

LIBRARY

§ 332-101. Property accepted.
§ 332-102. Conditions of trust; Board of Trustees.

[HISTORY: Adopted by the City Council of the City of Reading 2-23-1899 by Ord. No. 53-1899 (Ch. 12, Part 1, of the 2001 Code of Ordinances). Amendments noted where applicable.]

STATE LAW REFERENCES

Appropriations — See 24 P.S. § 4401.

Payment for operation and maintenance — See 53 P.S. § 38603.

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§ 332-101. Property accepted.

The City of Reading hereby accepts the donation of the real estate and the buildings thereon erected, situated on the southwest corner of Fifth Street and Franklin Street, in the City of Reading, and the books, manuscripts and other personal property therein contained, tendered to the City of Reading by the Reading Library, a corporation existing under the Laws of Pennsylvania, to be conveyed and transferred to the City of Reading on the passage of this chapter. The Mayor of the City is hereby authorized to receive the same in the name of the City of Reading, and to cause the deed therefor to be duly recorded.

§ 332-102. Conditions of trust; Board of Trustees.

The donation is received by the City of Reading upon the following trusts and conditions:

A. To establish a free public library for the use and benefit of the citizens and residents of the City of Reading, to be reasonably maintained at the public expense under the authority of an Act of Assembly, entitled: "An act empowering any city in this commonwealth to take and hold donations of money, books, real and personal property, for the purpose of a free library in said city, and to make appropriations to maintain the same" and of any other laws of the State of Pennsylvania which are now or may be hereinafter enacted.

B. The library shall be managed and controlled by a Board of 16 trustees, to be constituted as follows: The Mayor of the City shall be ex officio, and the 15 others shall be appointed as follows: Ten thereof shall be elected by Council and five thereof shall be elected by the Board of Directors of the Reading Library, the donor as aforesaid. At the meeting for organization of the Board of Trustees, the terms of the members shall be determined by lot. Three shall serve for one year, two to be appointed by the City and one by the Board of Directors of the Reading Library, three for two years, two to be appointed by the City and one by the Board of Directors of the Reading Library, three for three years, two to be appointed by the City and one by the Board of Directors of the Reading Library, three

for four years, two to be appointed by the City and one by the Board of Directors of the Reading Library, and three for five years, two to be appointed by the City and one by the Board of Directors of the Reading Library, and at the expiration of the term of each, a successor shall be elected or appointed as hereinbefore provided, for a full term of five years, the terms to date from the first Monday of January of the year in which they may be named, respectively. Vacancies occurring from any cause shall be filled, for the unexpired term, as follows: Where the vacancy is the selection of Council, Council shall fill the unexpired term; where the vacancy is the selection of the Board of Directors of the Reading Library, the Board of Directors of the Reading Library shall fill the unexpired term. The Board of Trustees shall annually, on the first Monday of January, report to Council of the City of Reading, the condition, expenditures and necessities of the library and property, real and personal, connected therewith.

Chapter 339

LICENSES AND PERMITS

Part 1
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§ 339-102. Definitions.
§ 339-103. License tax levy and fee.
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§ 339-105. License issuance.
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§ 339-109. Administrative Services Director powers and duties.
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§ 339-201. Short title.
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Part 3
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§ 339-305. Written agreements.
§ 339-306. Prohibited acts.
§ 339-307. Violations and penalties; enforcement.
§ 339-308. Private right of action.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. 212.

Pawnbrokers — See Ch. 403.

STATE LAW REFERENCES

Power to license generally — See 53 P.S. § 37601.

Vehicles for hire — See 53 P.S. § 37602.

Power to license junk dealers and junkyards — See 53 P.S. § 37403(63).

Part 1
Licensed Occupations

[Adopted 12-1-1954 By Ord. No. 50-1954 (Ch. 13, Part 2, Of The 2001 Code Of Ordinances)]

§ 339-101. Short title.

This Part shall be known as the "License Tax Ordinance."

§ 339-102. Definitions.

As used in this Part, certain terms are defined as follows:

AMUSEMENT DEVICE — Any coin-operated machine, instrument or device, that is played, operated or used for pastime, amusement or gaming, and includes, inter alia, pinball games, shuffle alleys, baseball games, basketball games, bowling games and shooting games.

BUSINESS — Includes all occupations specifically mentioned in this Part. If any person as herein defined conducts any of such businesses at more than one location or from more than one vehicle, the business conducted at each location, or from each vehicle, shall be considered, for the purpose of assessment of license taxes, a separate and independent business. Buildings or other places of business, separated by a public street, shall be considered separate locations.

CITY — The corporate entity known as the City of Reading or the geographical entity designated as the City of Reading, whichever the context of the particular use herein of such word shall imply.

COIN-OPERATED RIDING DEVICE — Any coin-operated riding device operated by the insertion, use or payment of a coin, regardless of the particular name or designation by which such device may be known. **[Amended 3-22-1961 by Ord. No. 4-1961]**

GAMING TABLE — Includes bowling alleys, billiard tables, pool tables, bagatelle tables and other gaming tables.

JUKEBOX — Any music cabinet automatically operated by the deposit of a coin or token so that music may be rendered therefrom.

PERSON — Any individual, firm, partnership, corporation or association, and any servant, agent, assistant, employee or representative thereof. Each individual in a crew shall be considered a taxable person.

PLACE OF AMUSEMENT — Includes theaters, bowling alleys, billiard parlors, shows, circuses, menageries and all kinds of public exhibitions, for pay, except those for religious, educational or charitable purposes.

VEHICLE — A conveyance in or on which persons or property may be carried, and shall include, inter alia, human-propelled, horse-drawn and motor-propelled conveyances, including motor vehicles, motor buses, taxicabs, omnibuses and street railway cars.

§ 339-103. License tax levy and fee. [Amended 3-22-1961 by Ord. No. 4-1961; 12-22-1976 by Ord. No. 48-1976; 12-31-1980 by Ord. No. 60-1980; 10-17-1990 by Ord. No. 145-1990]

In addition to all other taxes levied and collected by the City, license taxes in the amounts as set by ordinance and provided in Chapter 212, Fees, are hereby levied for general revenue purposes upon every person conducting or engaging in any of the hereinafter mentioned businesses or

occupations and upon every hereinafter mentioned vehicle, gaming table, place of amusement, jukebox and amusement device as follows:

A. Persons soliciting orders for goods, wares or merchandise by sample, or otherwise, or for the rendition of services to or from others not merchants or dealers, each, per year.[1]

B. Pawnbrokers, each, per year.

C. Market-house companies and owners of each market-house, per year.

D. Express companies or agencies, telegraph, telephone, steam-heating, gas, natural gas, electric light or power companies or agencies or individuals furnishing communication, light, heat or power, each, per year.

E. Motor vehicle liveries, and owners of motor vehicles for hire, each, per year.

F. Street railways.

(1) Street railway cars, omnibuses and motor buses except taxicabs, whether operating solely within the City or to points without the City, which at any time transport passengers for pay or hire from one point to another within the City limits, each vehicle, per year.

(2) Street railway cars, omnibuses and motor buses, except taxicabs, transporting passengers for pay or hire from the City only to points within the radius of 10 miles of the City's boundaries, each vehicle, per year.

G. Taxicabs, each, per year: not to exceed an amount per year from any one person, firm or corporation so operating.

H. Bowling alleys, billiard tables, pool tables, bagatelle tables and other gaming tables not prohibited by law, except pinball games and coin-operated amusement devices, each alley or table, per year.

I. Theaters having stage productions of any type, and shows, circuses or menageries under canvas, each, per year.

J. Moving picture theaters, where no stage productions are held, each, per year.

K. All other public exhibitions for pay or hire, except amateur athletic contests, each, per day of exhibition.

L. Amusement devices not prohibited by law except shuffle boards, each, per year.

M. Shuffle boards, each, per year.

N. Jukeboxes, each, per year.

O. Coin-operated riding devices within the City, each coin-operated riding device, per year.

P. Public dump or junkyard, each, per year.

Q. Waste rag or paper handling establishment, each, per year.

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1. Editor's Note: Original Subsection A, regarding fees to be paid by street vendors, hawkers, peddlers, which immediately preceded this subsection, was repealed during codification (see Ch. 1, General Provisions, Part 2).

§ 339-104. Exemptions; other taxes; free licenses. [Amended 10-19-1966 by Ord. No. 51-1966; 12-22-1976 by Ord. No. 48-1976; 12-31-1980 by Ord. No. 60-1980; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

A. The following persons shall be exempted from the license taxes provided in § 339-103 but shall obtain the permits and pay the inspection fees, if any, required by any other ordinance and the license taxes, if any, levied in this section for the following, the amount of such fees to be as provided in Chapter 212, Fees:[2]

(1) Those persons commonly known as "pitchmen" and those hawkers traveling with or operating during a circus, convention or public celebration.

(2) Newspaper vendors operating from regular sidewalk stands, the location of which shall be approved by the Mayor.

B. The following persons shall not be required to pay a license tax or to obtain any license under this Part:

(1) Farmers who sell or offer for sale their own produce only.

(2) Manufacturers or producers who sell or offer for sale their own produce or products.

C. The following persons shall not be required to pay a license to hawk, peddle and vend goods, wares and merchandise on the streets and to solicit trade from door to door, but shall obtain, before starting in business, a license which shall be issued free of charge by the Administrative Services Director:

(1) Blind, physically incapacitated or disabled persons, who submit to the Administrative Services Director a resolution of Council, authorizing the issuance of a free license to them by name.

(2) Persons selling goods, wares and merchandise donated by the owners, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

(3) Persons who are enrolled as a full-time student in any school, public or private, college or university.

(4) Persons selling or offering for sale Christmas trees or wreaths from sidewalk stands, the location of which shall be approved by the abutting property owner or owners, shall not be required to pay a license tax, but shall obtain, before starting in business, a license which will be issued free of charge by the Administrative Services Director.

(5) The exemption contained in the foregoing subsection of this section apply only to license taxes levied and licenses required by this Part, and shall not be interpreted to affect in any way inspection fees imposed or permits required by other ordinances.

§ 339-105. License issuance. [Amended 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

All license taxes shall be payable to the Administrative Services Director, who shall issue licenses as receipts therefor. In the case of street vendors, hawkers and peddlers who use a

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2. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

vehicle, and in the case of gaming tables, amusement devices and jukeboxes, a metal plate or paper sticker to be affixed thereto shall be issued in addition to the regular license.

§ 339-106. License to be publicly displayed.

License taxes shall be payable in advance and no person shall conduct any of the businesses or trades or follow any of the occupations or callings, or operate any of the vehicles, or set up or operate any of the gaming tables, amusement devices, jukeboxes, or places of amusement upon which a license tax is herein levied, until the tax for the current period shall have been paid, and a license thereby obtained and publicly posted in a conspicuous place in the licensee's place of business or in the cases of street railway cars, motor buses and omnibuses, in such vehicle, and in the cases of gaming tables, amusement devices, jukeboxes and street vendors, hawkers or peddlers using a vehicle, the metal plate or paper sticker issued with license affixed to such table device, jukebox or vehicle.

§ 339-107. License expiration and term; full fee required.

All annual licenses granted hereunder shall expire as of 12:00 midnight on December 31 of each year. Annual license taxes shall not be prorated, and regardless of when a license is issued, the full annual rate shall be paid.

§ 339-108. License transfer and fee. [Amended 12-22-1976 by Ord. No. 48-1976; 12-31-1980 by Ord. No. 60-1980; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001[3]]

A transfer of an unexpired license issued pursuant to the terms of this Part shall be made by the Administrative Services Director and a certificate of transfer issued therefor upon payment to the Administrative Services Director of an additional tax or transfer fee of an amount as set by ordinance; see Chapter 212, Fees..

§ 339-109. Administrative Services Director powers and duties. [Amended 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

A. It shall be the duty of the Administrative Services Director to:

(1) Classify, prepare the tax bills for and notify all persons liable for payment of a license tax under this Part.

(2) Keep a list of all licenses issued under this Part.

(3) Submit to Council or on before January 15 of each year, a list of all persons assessed for license taxes for the current year. The list shall be arranged by classes, showing the comparison with the assessments for the previous year.

(4) See to the proper enforcement of the provisions of this Part.

B. The Administrative Services Director is empowered to institute civil actions, in the name of the City, for the collection of license taxes, and to institute prosecutions for violations of this Part.

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3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 339-110. Appeals. [Amended 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Any person aggrieved by the assessment of a license tax or by any decision of the Administrative Services Director may appeal therefrom, to Council within 10 days after notice thereof, and shall be given a public hearing thereon. The Administrative Services Director shall attend all hearings whenever such appeals shall be heard. The decision of Council upon all such appeals shall be final.

§ 339-111. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

Part 2
Business Privilege License
[Adopted 5-10-2010 By Ord. No. 17-2010 (Ch. 13, Part 4, Of The 2001 Code Of Ordinances)]

§ 339-201. Short title.

This Part shall be known as the "Business Privilege License Ordinance."

§ 339-202. Definitions.

As used in this Part, certain terms are defined as follows except where the context clearly indicates a different meaning:

BUSINESS — Any activity carried on or exercised for gain or profit in the City, including, but not limited to, the sale of merchandise or other tangible personality or the performance of services and the rental of personality and/or realty.

CALENDAR YEAR — The period January 1 to December 31, inclusive.

CITY — The City of Reading.

LICENSE YEAR — The period from January 1 to December 31, inclusive.

PERSON — Any individual, partnership, limited partnership, association, firm or corporation. Whenever used in any clause prescribing or imposing a penalty, the term "person" as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

REVOCATION — To annul or cancel an act, particularly a statement, document, or promise, as if it no longer exists.

§ 339-203. License required.

Any person desiring to conduct, transact, or engage in any business, trade, profession or other activity within the City shall obtain a business privilege license annually.

§ 339-204. Application.

Applicants for license under this Part shall file an initial annual application for a business privilege license with the Administrative Services Director on a form provided by him/her. To be considered completed, a license fee shall accompany the application, which shall be renewed on an annual basis.

§ 339-205. Fee.

The license fee, which shall be collected by the Tax Administration of the City, shall be set by ordinance as provided by law and set forth in the City of Reading Fee Schedule.[4]

§ 339-206. Posting license.

The license issued shall be conspicuously posted in the place of business for which the license is issued, and shall remain posted for the license year or fraction of year for which such license

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4. Editor's Note: See Ch. 212, Fees.

was issued or until the indicated activity or business changes ownership or goes out of business. In cases where more than one place of business is conducted, a separate license shall be issued annually for each place of business.

§ 339-207. License refusal.

A. The issuance of a business privilege license may be predicated upon the applicant first receiving the approval of the Zoning Administrator and/or Health Officer, or other City official, as applicable, for the operation of his/her business.

B. Any person who is in default in payment of any tax due to the City shall be refused a license until tax is paid in full or a payment plan is executed with the appropriate City office.

§ 339-208. Required reporting of business cessation.

Upon cessation of business activity within the City, the person who had been conducting said business activity shall report said cessation to Tax Administration in writing within 10 days.

§ 339-209. License revocation.

A. Basis for revocation. Any business privilege license issued by the City pursuant to the provisions of this Part may be revoked for good cause by the issuing authority upon a finding that the following conditions exist:

(1) The existence of chronic unsanitary conditions, noise, disturbances or other conditions at, in or attributable to the premises of a licensee which causes or tends to create a public nuisance, which may injuriously affect the public health, safety, or welfare of others, or which unnecessarily affects the adequate allocation of public safety resources.

(2) Repeatedly or purposefully permitting or causing the commission of any act in the operation of the business which is prohibited by any ordinance, rule or law of the City, state or federal government.

(3) Fraudulent practices and misrepresentation in the operation of the business.

(4) Concealment or misrepresentation in procuring the business privilege license.

(5) The business for which the license obtained has been is unlawful or is prohibited by any code, ordinance, rule or law of the City, state or federal government.

(6) The license was issued by mistake or is in violation of any of the provisions of this Part.

(7) The premises used to conduct said business has been condemned, declared a fire hazard or declared unsafe for business occupancy pursuant to applicable building, trades, property maintenance or fire codes.

B. Procedures and hearing process to revoke business privilege license.

(1) Requests for revocation of business privilege license may be submitted in the form of a written complaint by City staff to the Managing Director.

(2) Upon a determination by the Managing Director pursuant to the policies and regulations established in accordance herewith that the complaint is founded, the Managing Director shall schedule a hearing before the Business Privilege License Appeals Board within 20 days.

(3) Notice of hearing shall be served by certified mail, return receipt requested, and first class mail to the person holding the business privilege license at the address shown on the business privilege license application. A copy of the notice of the hearing shall also be posted in a conspicuous place on the property. **[Amended 12-8-2014 by Ord. No. 97-2014]**

(4) The notice shall inform the licensee of the allegations which constitute the basis for the hearing, and shall provide that the licensee will be given the opportunity to appear and be heard at the hearing.

(5) The hearing shall be conducted in accordance with procedures established by the Business Privilege License Appeals Board as authorized herein.

(6) At the conclusion of the hearing following all evidence, the Business Privilege License Appeals Board shall make a determination as to whether basis exists to revoke the business privilege license within 10 days of the hearing.

(7) In the event the Business Privilege License Appeals Board determines that the business privilege license shall be revoked, the revocation will be effective immediately shall be delivered to the applicant in accordance with the requirements of the notice of the hearing as set forth herein. The Board shall instruct the Administrative Services Director to notify the licensee of the revocation of the business privilege license and to direct the licensee to immediately cease all business activity at the business location.

(8) Any person conducting business activity in violation of revocation of a business privilege license shall be punishable by those penalties set forth herein.

(9) No business having a business privilege license revoked pursuant to this Part shall be eligible for another license to operate a similar business at that or any location in the City of Reading until approval is received by the Business Privilege License Appeals Board.

§ 339-210. Cease operations order.

A. Whenever business is being conducted in or on any premises without a required business privilege license or if a licensed business has violated one or more provisions of the Code of the City which relate to the conduct of the business, the Administrative Services Department or any City official authorized to issue citations may issue a cease operations order directing that business activity to cease immediately until the required business privilege license is obtained.

B. The cease operations order shall describe the business that is being conducted without the required business privilege license and shall state that such business activity and any other business activity that requires a business privilege license must cease until the required license is obtained.

C. The cease operations order shall be posted at every entrance to the premises in conspicuous place clearly visible to the public and shall remain posted until removed by the Administrative Services Department following compliance with its terms.

D. The Administrative Services Department shall promptly notify the Department of Police of the issuance of every cease operations order. The Police Department may upon the request of the Administrative Services Department render assistance in the enforcement of any cease operations order and shall have the right to enter the premises for such purpose.

E. Prohibited conduct. No person with knowledge of a cease operations order shall:

(1) Continue to conduct any business for which a business privilege license is required in or on any premises for which a cease operations order has been issued.

(2) Remove, damage or deface any cease operations order.

(3) Resist or interfere with any inspection or other official in the performance of their duties or the enforcement of any provision of this section.

F. Fees.

(1) Business privilege license in response to cease operations order. If a cease operations order is issued and a business privilege license obtained, the fee for said business privilege license may be subject to an additional penalty fee equal to the cost of the normal business privilege license fee.

(2) Removal of cease operations order. Upon compliance with a cease operations order by obtaining of a business privilege license and any other terms set forth thereon, prior to removal of a cease operations order a fee in the amount established by the Fee Ordinance of the City of Reading.[5]

§ 339-211. Business Privilege License Appeals Board administrative hearing/appeal.

A. Organization.

(1) Membership. The Business Privilege License Appeals Board shall be a body of five members consisting of: the Administrative Services Director or his/her designee who shall serve as Chairperson; a Councilperson from the District the business is located in or the designee of the President of Council if the District Councilor is unavailable, a member of the business community; a resident at large; and member of a recognized City of Reading community group.

(2) Alternates. There shall be three alternate members, one each from the following groups: a member of the business community, a resident at large and a member of a community group recognized by the City of Reading.

(3) Appointment. All members of the Board shall be appointed by the Mayor with the approval of the Council of the City of Reading.

(4) Term. A member or alternate member shall serve a term of three years from the time of appointment or reappointment or until his/her successor shall take office. Members

5. **Editor's Note: See Ch. 212, Fees.**

and alternates of the initial board shall be appointed to staggered terms of one, two and three years.

(5) Powers of designees and alternates. Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

(6) Quorum and majority vote. Three members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

B. Powers. The Board shall have the following powers:

(1) Promulgate rules and regulations. To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.

(2) Hear and decide matters. To hear and decide matters regarding the revocation of a business privilege license where it is alleged that one of the criteria set forth herein has been violated. The Board is also authorized to hear appeals of refusals of business privilege license or cease operations order.

(3) Timeliness. In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall hold a hearing on any founded complaint within 20 days and shall file its decision within 10 days after the appeal hearing.

(4) Authority. The Board is empowered to find no cause for the revocation of a business privilege license or cause to revoke a business privilege license. The Board shall be bound by this Part and shall not ignore the clear provisions and intent of this Part.

C. Fees. If the Board determines that a business privilege license is to be revoked, the licensee shall be responsible for all fees, costs and expenses related to the hearing before the Business Privilege License Appeals Board. In appeals from refusals of business privilege license or cease operations order, the applicant shall pay a fee to appeal in an amount established by Fee Ordinance of the City of Reading.[6]

D. Appeals refusals of business privilege license or cease operations order. Applicants who are refused a business privilege license or receive a cease operations order may appeal said determination to the Business Privilege License Appeals Board within 10 days of receipt of notification of refusal of a business privilege license or cease operations order. Notice of such decisions shall be in accordance with the requirements set forth herein. A hearing and decision by the Board of said appeal shall be per timeliness requirements herein.

E. Appeals to the court of common pleas. Appeals of any decision of the Business Privilege License Appeals Board shall be in accordance with the Local Agency Law, 2 Pa.C.S.A. § 751 et seq., of the Commonwealth of Pennsylvania. Such an appeal shall not serve as a

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6. Editor's Note: See Ch. 212, Fees.

stay in the case of revocation of a business privilege license. The licensee must petition the court for a stay to continue operation of the business during any appeal.

§ 339-212. Injunctive relief.

In case of violation of this Part or a section thereof, the City, through its Administrative Services Director or a designee duly appointed by the Mayor, may cause to be instituted an appropriate proceeding at law or in equity to obtain penalties or to restrain, correct, or abate such violation, including, but not limited to, the closure of any business which is not in compliance with this Part or a section thereof.

§ 339-213. Violations and penalties.

Any person operating a business within the City without obtaining a business privilege license as provided herein or failing to comply with any and all provisions of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than $600 but no more than $1,000 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which such person violated this Part may be considered as a separate offense and punishable as such as provided above and by law.

§ 339-214. Collections.

Nothing in this Part shall preclude the City of Reading Administrative Services Director from directing all bills or accounts and business privilege licenses not paid or not renewed by March 31 of each year to be turned over to a collection agency for receipt.

§ 339-215. Nonexclusive remedies.

The penalty, injunctive relief and collection provisions of this section and the license nonrenewal, suspension and revocation procedures provided in this Part shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading ordinance or provision of its Code, whether or not such other ordinance or chapter is referenced in this Part and whether or not an ongoing violation of such other ordinance or chapter is cited as the underlying ground for a finding of a violation of this Part.

§ 339-216. Regulations.

The Administration for the City of Reading by and through the Managing Director is hereby authorized to promulgate rules, regulations and policies to implement this Part.

Part 3
Immigration Assistance Services

[Adopted 4-13-2015 By Ord. No. 15-2015]

§ 339-301. Definitions.

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

BIA — The Board of Immigration Appeals as determined under Title 8 (Aliens and Nationality) of the Code of Federal Regulations, as amended.

DIRECTOR — The Director of the Administrative Services Department.

COMPENSATION — Money, property, services, promise of payment, or anything else of value.

CSC — Customer Service Center.

DEPARTMENT — The Department of Administrative Services.

EMPLOYED BY — That a person is on the payroll of the employer and the employer deducts from the employee's paycheck social security and withholding taxes, or receives compensation from the employer on a commission basis or as an independent contractor.

IMMIGRATION ASSISTANCE SERVICE — The business of providing any form of assistance, for a fee or other compensation, to any person in an immigration matter.

IMMIGRATION MATTER — Any proceeding, filing or action affecting the status of any person which arises under immigration and naturalization law, regulations, procedure, executive order or presidential proclamation, including those which arise under actions or jurisdiction of the United States Department of Homeland Security, the Department of Justice, the United States Department of Labor, the United States Department of Revenue, the United States Department of State or any successor agencies or department(s).

PROVIDER — Any person or entity, including but not limited to a corporation, partnership, limited-liability company, sole proprietorship or natural person, that provides immigration assistance services, but shall not include persons or entities exempt under § 339-302.

§ 339-302. Exemptions.

Nothing in this Part shall regulate any business to the extent that such regulation is prohibited by state or federal law. The requirements of this Part shall not apply to any of the following persons or entities if such person or entity can prove eligibility for an exemption as follows:

A. Any person who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him or her in the practice of law, or any person working under the supervision of such person;

B. Any organization recognized by the BIA that provides immigration assistance services via representatives accredited by such board to appear before the Department of Homeland Security or the Executive Office for Immigration Review, that does not charge a fee or charges nominal fees, as defined by the BIA;

C. Any person employed by the federal government or by the Commonwealth of Pennsylvania and authorized to provide services in an immigration matter, when acting within the scope of such employment or authority;

D. Any elected official who, acting within the scope of his or her official capacity, without a fee or other payment makes inquiries in an immigration matter;

E. Any City official or employee who, acting within the scope of his or her duties, without requiring a separate fee or other payment, makes inquiries in an immigration matter on behalf of an individual.

§ 339-303. Provider requirements.

A. Registration. In addition to obtaining a business privilege license as required under Chapter 339, Part 2, a provider shall register with the CSC annually, pursuant to such registration process as may be established by the Department. A single registration shall include all locations at which a provider performs immigration-related services.

(1) At the time of registration, a provider must sign a form designated by the Department, attesting the provider's knowledge and consent to conduct business in accordance with the provisions of this Part, and acknowledging that any violation of the provisions of this Part by the provider may result in fines and penalties in addition to those stated in Chapter 339, as well as cease operations orders and suspension or revocation of the provider's business privilege license.

(2) At the time of registration, a provider must provide proof of a surety bond in the amount of $50,000 in order to ensure payment of all final judgments and decrees entered against the provider for damages arising from the provision of immigration assistance services. The surety bond shall be in effect for the entire period in which the provider provides immigration assistance services, plus one year after the provider ceases all operations.

B. Signs. All providers shall post signs at the provider's place of business, and every location where the provider regularly meets with customers. Signs shall be posted in a conspicuous interior location where the signs will be visible to customers who enter the office. Signs shall meet all of the following requirements:

(1) Each sign shall be at least 11 inches by 17 inches.

(2) If the signs are placed on the exterior of the building or are located in a window, the signs shall comply with zoning and historic preservation regulations.

(3) Notice signs shall contain the following statement:

"This office is not an authorized government agency. I am not an attorney licensed to practice law or a representative accredited by the Board of Immigration Appeals. I cannot represent you before any immigration authority or agency and may not give legal advice or accept fees for legal advice. Advice on obtaining legal representation can be obtained from the Berks County Bar Association. Fingerprints taken at this location will not be accepted by the United States Department of Homeland Security for any purpose. You may cancel any contract within three (3) business days and get your money back for services not performed. If you have a complaint about this business, contact the City of Reading Customer Services Center."

(4) Notice signs shall be designed and approved by the Department or its designee and posted in a downloadable portable document format (PDF) on the Department's website. The notice signs shall contain the statements required under this section in

English and any other language as determined by the Department. Providers shall reproduce the PDF from the Department website, without modification, and post as required herein.

(5) A fee sign, which contains a schedule of all services and fees regularly charged, shall be posted.

C. Brochure. Before providing any services, a provider shall provide each customer with a brochure or handbill containing all disclosures in the form required under this section. Such brochure or handbill shall be designed and approved by the Department, and shall be posted on the Department's website in PDF format. Providers shall reproduce and distribute the brochure exactly as obtained from the Department website, without modification. The brochure or handbill shall be in English and any other language as determined by the Department.

D. Documents. Providers shall retain copies of all documents prepared or obtained in connection with services provided to a customer for a period of three years after the date a written contract is executed by the provider and the customer, whether or not the contract is subsequently cancelled.

(1) Documents shall be retained at the provider's principal place of business and made available for confirmation of such retention by the Director or his representative upon demand, during normal business hours.

E. Advertising. When advertising immigration assistance services by signs, pamphlets, newspapers, internet, television, radio or any other means, a provider shall post or otherwise include with the advertisement a notice in English and in every other language in which the person provides or offers to provide assistance. The notice shall be of a conspicuous size and shall state the following: "The individual offering to provide assistance to you is NOT an attorney licensed to practice law or a representative accredited by the Board of Immigration Appeals. The individual cannot represent you before any immigration authority or agency and may not give legal advice or accept fees for legal advice."

(1) No advertisement for immigration assistance services shall expressly or impliedly guarantee that the licensee will achieve any particular government action, including, but not limited to, the granting of employment authorization, lawful permanent residence status, citizenship, or any other form of immigration benefit or relief.

(2) Advertising posted at a provider's place of business shall be subject to confirmation of compliance with Subsection E by the Director or his representative, upon demand, during normal business hours.

(3) All advertising in violation of this section may be subject to penalties.

F. Providers shall comply with all reasonable and lawful requests by the Department.

§ 339-304. Legal duties of provider.

Each provider may only perform the following immigration assistance services:

A. Transcribing responses to a government agency form which is related to an immigration matter, but not advising a customer as to his or her answers on those forms;

B. Translating information on forms, including the instructions, to a customer and translating the customer's answers to questions posed on those forms, but not advising a customer as to his or her answers on those forms;

C. Securing for the customer supporting documents, requested by the customer, currently in existence, including but not limited to birth and marriage certificates, foreign passports, tax forms, police clearances and educational credentials, which may be needed to submit with government agency forms;

D. Translating documents from a foreign language into English;

E. Notarizing signatures on government agency forms, if the person performing the service is a notary public licensed in Pennsylvania;

F. Arranging for the performance of medical testing and the obtaining of reports of such test results.

§ 339-305. Written agreements.

Each provider shall execute a written contract with the customer before providing any form of assistance in an immigration matter.

A. The written contract shall include the following provisions:

(1) Name, address and telephone number of the provider;

(2) Itemization of all services to be provided and performed for the customer;

(3) Identification of all compensation and costs to be charged to the customer for the services to be performed;

(4) A statement that any originals of documents prepared, submitted or obtained may not be retained by the provider for any purpose, including payment of compensation or costs;

(5) A statement that the provider shall give the customer a copy of each document filed with a government entity;

(6) A statement that the customer is not required to obtain supporting documents through the provider, but may obtain such documents himself or herself;

(7) A statement, on the face of the contract and in print larger and more conspicuous than other print on the contract, in plain language and substantially similar to the following: "The individual providing assistance to you under this contract is not an attorney licensed to practice law or accredited by the Board of Immigration Appeals to provide representation to you and may not give legal advice or accept fees for legal advice.";

(8) A statement that the customer may rescind the contract within three business days, which shall be conspicuously set forth in the contract in plain language substantially similar to the following: "You have three business days to cancel this contract. Notice of cancellation must be in writing. If you cancel this contract within three business days, you will get back your documents along with any fees that you have paid.";

(9) A statement conspicuously set forth in plain language substantially similar to "The individual providing assistance to you under this contract is prohibited from disclosing any information or filing any forms or documents with immigration or other authorities without your knowledge and consent.";

(10) A statement conspicuously set forth in plain language substantially similar to "A copy of all forms completed and documents accompanying the forms shall be kept by the service provider for three years. A copy of the customer's file shall be provided to the client on demand and without fee.";

(11) A statement that the provider has financial surety in effect for the benefit of any customer in the event that the customer is owed a refund, or is damaged by the actions of the provider, together with the name, address and telephone number of the surety. The statement should be in plain language and substantially similar to "The provider is required by law to have insurance, which is called a financial surety. If you are not given the services you agreed on, as the customer you may be able to get your money back through this insurance."

B. The contract shall be in a language understood by the customer; an English language version of the contract shall also be provided.

C. A copy of the contract shall be provided to the customer upon the customer's execution of the contract.

D. Receipts shall be issued for all services provided, and any guarantee must be made in writing.

E. The customer has the right to cancel the contract within three business days after his or her execution of the contract, without fee or penalty.

F. The contract may be cancelled at any time after execution. If the contract is cancelled after three business days, the provider may retain fees for services rendered, and any additional amounts actually expended on behalf of the customer. All other amounts must be returned to the customer within 15 days after cancellation.

G. If any interpreter services are provided, the contract shall include an attestation from the interpreter affirming the accuracy of the translation and the translator's certification that he or she is competent to translate from the specified foreign language into English.

H. Upon demand of the customer, providers must provide to the customer any documents prepared, submitted or obtained in relation to an immigration matter.

I. Signature. Where a form has a section for the preparer to fill out, the provider must provide his or her own information and sign the form as the preparer.

§ 339-306. Prohibited acts.

It shall be unlawful for any provider, person, or business entity engaged in the business of immigration assistance services to:

A. In the course of dealing with customers or prospective customers:

(1) Make any statement that the person can or will obtain special favors from or has special influence with the United States Department of Homeland Security, the Department of Justice or any other government agency; or threaten to report the client to immigration or other authorities or undermine in any way the client's immigration status or attempt to secure lawful status;

(2) Make any guarantee or promise to a customer, regarding outcomes in an immigration matter;

(3) Demand or retain any compensation for service not performed or costs that are actually not incurred;

(4) Fail to provide a customer with copies of documents filed with a governmental entity, or refuse to promptly return documents supplied by, prepared by, or paid for by the customer upon the request of the customer, or upon termination of the contract, even if there is a fee dispute between the licensee and the customer;

(5) Give any legal advice concerning an immigration matter or otherwise engage in the practice of law, including, but not limited to, any advice regarding the selection of forms to be completed and submitted to any government agency in connection with an immigration matter.

B. Represent or advertise, in connection with the provision of assistance in immigration matters, the title of lawyer or attorney at law, or equivalent terms in the English language, or any other language, including, but not limited to, "notary public," "accredited representatives of the Board of Immigration Appeals" or "immigration consultant," that could reasonably cause a customer to believe that the person possesses any form of license, accreditation, or official authorization to provide advice on an immigration matter; provided, however, that a notary public licensed in Pennsylvania may use the term "notary public" if such use is accompanied by the statement that the person is not an attorney.

C. State, imply, offer or otherwise represent that a person, business, agency, office or organization is authorized to provide fingerprinting services which will be accepted by the United States Department of Homeland Security (DHS) for the process of DHS applications or for any other purpose.

D. Charge fees, directly or indirectly, for referring an individual to an attorney for any immigration matter; provided, however, that a person may charge a fee for notarizing documents as permitted by the Pennsylvania laws regarding notary publics.

E. Represent that a fee may be charged, or charge a fee, for the distribution, provision or submission of any official document or form issued or promulgated by a state or federal governmental entity, or for the referral of the customer to another person or entity that is qualified to provide services or assistance which the provider will not provide.

F. Disclose any information to, or file any forms or documents with, immigration or other authorities without the knowledge or consent of the customer.

G. Refuse to comply with any reasonable and lawful request from a Department inspector acting within the scope of responsibility under this Part.

H. Perform, or offer to perform, any immigration assistance services or other act which requires a business privilege license under this chapter and registration under this Part

without a valid business privilege license issued by the Department and registration approved by the Department.

I. Fail to adhere to any provision of this Part.

§ 339-307. Violations and penalties; enforcement.

A. Enforcement. In addition to any other penalty provided by law, any person who violates any provision of this Part shall be subject to appropriate code enforcement proceeding and subject to fines and penalties specified. Each day that a violation of any provision of this Part continues shall constitute a separate and distinct offense. Any person who violates any provision of this Part shall further be liable in a private action as provided herein.

B. Penalties. Upon the Department's determination that a provider is in violation of this Part hereof, or upon receipt of information of a provider's violation of this Part, the Department may take appropriate action against the individual or business entity, including:

(1) Suspension or revocation of license. Suspension or revocation of licenses granted under Chapter 339, Part 2, for all premises operated by the individual where violations have occurred. During any period of license suspension, each and every location of the individual's business shall cease operation as an immigration assistance service provider.

(2) Cease operations order. The Department may issue a cease operations order for each business location operated by the individual whose license(s) has been suspended in accordance with the same procedures as set out in Chapter 339, Part 2, provided that the cease operations order shall identify the prohibited operations and shall state that the applicable license has been suspended for violation(s) of the code.

(3) No license. No new license shall be issued for a business location posted with a cease operation order or a license suspension, so long as any person under a license suspension imposed by the Department, or any member of such person's immediate family, or, in the case of a corporation, the corporation or any affiliated business entities, retain a pecuniary interest in the property at that location.

§ 339-308. Private right of action.

Any person aggrieved by any violation of this Part or any rule or regulation promulgated hereunder may bring an action in an appropriate court against any person subject to this Part, for injunction against the violation or for such other or additional relief as may be appropriate to deter, prevent or compensate for the violation. Remedies for violation of this Part shall be cumulative, and shall include costs, compensatory damages, and punitive damages, to the extent allowed by law. Any judgment obtained against a provider under this Part may be provided to the Department and provide a basis for a suspension of license and cease operations order.

Chapter 346

LITTER AND ADVERTISING MATERIAL

§ 346-101. Definitions.
§ 346-102. Deposit of litter and private advertising matter.
§ 346-103. Restrictions on distributing advertising matter.
§ 346-104. Deposit in receptacles.
§ 346-105. Sweeping litter into public places.
§ 346-106. Throwing litter from vehicles.
§ 346-107. Depositing litter in storm sewer.
§ 346-108. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 7-26-1972 by Ord. No. 31-1972[1] (Ch. 6, Part 5, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 180, Part 13.

STATE LAW REFERENCES

Scattering rubbish — See 18 Pa.C.S.A. § 6501.

Littering — See 30 Pa.C.S.A. § 2503.

Depositing waste and other material on highway, property or waters — See 75 Pa.C.S.A. § 3709.

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§ 346-101. Definitions.

As used in this chapter, certain terms are defined as follows:

AUTHORIZED RECEPTACLE — A litter storage and collection receptacle made of a durable material and so constructed so as to prevent litter from being carried from it by the elements.

LITTER — All waste material and sweepings and abandoned personal property of all types.

PRIVATE ADVERTISING MATTER — Flyers, brochures in newspaper or booklet form, and pamphlets, published or printed for the principal purposes of advertising any commercial or noncommercial products or enterprises which are distributed other than through the U.S. mail, and without payment or subscription thereto or the specific request of the intended recipient.

§ 346-102. Deposit of litter and private advertising matter.

No person shall throw, place, deposit or sweep litter or private advertising matter in any public place such as a street, sidewalk, park or playground, nor in the open entrances to buildings or

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1. **Editor's Note: Ordinance No. 28-2010, adopted 6-28-2010, repealed this chapter to the extent inconsistent with or in direct contrast to the Property Maintenance Rules and Regulations, enacted and authorized by Ord. No. 28-2010 (Ch. 180, Part 12).**

on open porches or on private sidewalks, entranceways or doors of public or private buildings, including but not limited to residences within the City.

§ 346-103. Restrictions on distributing advertising matter. [Added 12-10-1980 by Ord. No. 52-1980; amended 4-14-2014 by Ord. No. 33-2014]

No person, partnership, firm or corporation shall distribute or cause to be distributed any handbills, advertisements, circulars, wastepapers or other advertising matter whatever in the City by casting, scattering, placing or handing the same upon any of the streets of the City or on the pavements, sidewalks, alleys, footways or automobiles thereof. However, nothing herein shall prevent any person from handing any noncommercial literature or other printed matter upon any of the streets, pavements, sidewalks, alleys or footways in the City to any person willing to receive the same, and nothing herein shall prevent any person with permission of the owner from distributing or causing to be distributed handbills, advertisements, circulars or other advertising matter upon private property located within the City.

§ 346-104. Deposit in receptacles.

Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

§ 346-105. Sweeping litter into public places.

No person owning or occupying premises within the City shall sweep into or deposit in any gutter, street or any other public place an accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying premises within the City shall keep the sidewalk in front of such premises free of litter.

§ 346-106. Throwing litter from vehicles.

No person, while a driver or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City or upon private property.

§ 346-107. Depositing litter in storm sewer.

No person shall throw or deposit litter in any storm sewer in the City.

§ 346-108. Violations and penalties. [Amended 12-10-1980 by Ord. No. 52-1980; 8-24-1983 by Ord. No. 32-1983; 5-29-2001 by Ord. No. 14-2001]

Any person, firm or corporation who shall violate any provision of this chapter shall be, upon conviction thereof, sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

Chapter 353

LOITERING; OBSTRUCTING PUBLIC PLACES

§ 353-101. Definitions.

§ 353-102. Loitering; obstructing public places.

§ 353-103. Enforcement.

§ 353-104. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 9-23-2002 by Ord. No. 48-2002 (Ch. 6, Part 4, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Curfew — See Ch. 188.

STATE LAW REFERENCES

Loitering and prowling at night — See 18 Pa.C.S.A. § 5506.

Obstructing highways and other public passages — See 18 Pa.C.S.A. § 5507.

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§ 353-101. Definitions.

As used in this chapter, certain terms are defined as follows:

LOITERING — Remaining idle in essentially one location or lingering or standing around without purpose either alone or in consort with others.

PUBLIC PLACE — Any place to which the public has access and includes any public street or public sidewalk, as well as the front of and the area immediately adjacent to any parking lot, store, restaurant, tavern or other place of business.

§ 353-102. Loitering; obstructing public places.

A. No person shall loiter in a public place, as heretofore defined, in such manner as to obstruct any public street, public sidewalk, public bridge, or other public place or public building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles or pedestrians.

B. No person shall commit in or upon any public street, public sidewalk, public bridge, or other public place or public building any act which obstructs or interferes with the free and uninterrupted use of property or the lawful conducting of any business by anyone in or upon or facing or fronting on any such public street, public sidewalk, public bridge, or other public place or public building, in such manner as to hinder or impede or tend to hinder or impede the free and uninterrupted ingress and egress thereto.

§ 353-103. Enforcement.

When any person causes or commits any of the conditions enumerated in § 353-102A and/or B, a law enforcement officer for the City of Reading (Department of Police) shall order that person to stop causing or committing such condition. If any person receiving any such order from a law enforcement officer fails or refuses to obey the same, that person shall be guilty of a violation of the applicable section(s) and shall be subject to the penalties hereafter prescribed in § 353-104.

§ 353-104. Violations and penalties.

Any person or persons who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than $200 nor more than $500 for the first violation, and not less than $300 nor more than $1,000 for the second and subsequent violation, plus costs, and in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

Chapter 364

MASSAGE THERAPISTS

§ 364-101. Purpose and intent.
§ 364-102. Definitions.
§ 364-103. Massage therapist permit required.
§ 364-104. Permit applications and fees.
§ 364-105. Requirements for issuance of massage therapist permit.
§ 364-106. Appeal of denial of massage therapist permit.
§ 364-107. Revocation or suspension of permits; appeal.
§ 364-108. Existing massage practitioner permits.
§ 364-109. Exemptions.
§ 364-110. Exemptions from zoning restrictions.
§ 364-111. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 10-13-2004 by Ord. No. 44-2004 (Ch. 10, Part 14, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 339.

Zoning — See Ch. 600.

STATE LAW REFERENCES

Massage Therapy Law — See 63 P.S. § 627.1 et seq.

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§ 364-101. Purpose and intent.

The purpose and intent of this chapter is to recognize massage as a business occupation and health enhancement service and provide a means for issuing appropriate permits.

§ 364-102. Definitions.

For the purposes of this chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this section shall have the meanings given them in this section.

PERMIT — The permit to engage in the activities of a massage therapist as required by this chapter.

PERMIT ADMINISTRATOR — The Health Officer will be responsible for issuing, revoking and otherwise administering the permit program.

MASSAGE or MASSAGE THERAPY — The skillful application of touch to enhance health and well-being, in which soft tissue manipulation is primary.

MASSAGE THERAPIST or MASSAGE PROFESSIONAL — A health care practitioner who offers services to the public for compensation, using a massage specialty in caring for clients, and

has obtained a permit as required by this chapter. A person who has engaged in "disqualifying conduct" means a person who:

A. Within five years immediately preceding the date of filing of the application for an issuance of a permit under this chapter has been convicted in a court of competent jurisdiction in the commonwealth.

B. Any misdemeanor or felony offense which relates directly to the practice of massage therapy, whether as a massage business owner or operator, or as a massage technician or professional.

C. Any felony the commission of which occurred on the premises of a massage establishment.

D. Within five years immediately preceding the date of the filing of the application for a permit under this chapter has had any massage establishment, operator, technician or trainee license or permit, which was issued by the State of Pennsylvania, or by any county or municipality, revoked.

E. Within five years immediately preceding the date of the filing of the application for a permit under this chapter has been convicted in a court of competent jurisdiction of:

(1) Any misdemeanor under the Pennsylvania Crimes Code, 18 Pa.C.S.A., Chapter 59.

(2) Any offense in a jurisdiction outside the State of Pennsylvania which is the equivalent of any of the aforesaid offenses.

RECOGNIZED SCHOOL OF MASSAGE — Any school or institution of learning which: teaches the theory, ethics, practice, profession and work of massage therapy; requires a residence course of study before the student shall be furnished with a diploma or certificate of completion; and has been approved pursuant to Pennsylvania Statutes Title 24, §§ 18-1803 through 18-1841, or Pennsylvania State Code Title 22, Chapter 339, Vocational-Technical Education, §§ 339.1 through 339.61, or, if said school is not located in Pennsylvania, has complied with standards commensurate with those required in the aforementioned sections and has obtained certification under any similar state-approval program, if such exists. Transcripts from more than one recognized school can be combined to meet the educational standards required.

STATE OR NATIONAL PROFESSIONAL MASSAGE THERAPY ORGANIZATION OR ASSOCIATION DEVOTED TO THE MASSAGE SPECIALTY AND HEALTH ENHANCEMENT APPROACH — An organization or association that has been determined by the permit administrator to meet each of the following requirements:

A. Requires a minimum of at least 500 hours of classroom instruction.

B. Offers and encourages participation in continuing education programs.

C. Has an established code of ethics and has enforcement procedures for the suspension and revocation of membership of persons violating the code of ethics.

D. The organization does not discriminate on the basis of race, sex, creed, color, age or sexual orientation.

§ 364-103. Massage therapist permit required.

A. It shall be unlawful for any person to act as a massage therapist unless such person holds a valid permit issued by the permit administrator.

B. A massage therapist permit shall be issued to any person who has fulfilled the requirements of this chapter, unless grounds for denial of such permit are found to exist. The permit administrator may deny a permit to the permit applicant if:

(1) The applicant made a material misstatement in the application for a permit.

(2) The applicant is a person who has engaged in other, stated disqualifying conduct, as described under this chapter.

(3) All fees have not been paid.

§ 364-104. Permit applications and fees.

A. The permit administrator shall provide each applicant with an application form, requesting the information needed to determine whether the applicant meets the requirements for issuance of a permit pursuant to this chapter.

B. All fees shall be in the amount set forth in Chapter 212, Fees. Fees shall reflect actual costs of investigation and issuance of massage permits.[1]

C. Within 60 working days following receipt of a completed application, the permit administrator shall either issue the permit, or mail a written statement of his or her reasons for denial thereof. If the administrator takes neither action, the permit shall be deemed to be issued. The applicant shall furnish the following information:

(1) Name, residence address and telephone number; the previous addresses of applicant, if any, for a period of three years immediately prior to the date of the application and the dates of residence at each.

(2) Social Security number and driver's license number, if any.

(3) Applicant's weight, height, color of hair and eyes.

(4) Two prints of a recent passport-size photograph of applicant.

(5) Written evidence that the applicant is at least 18 years of age.

(6) Business, occupation or employment of the applicant for the three years immediately preceding the date of application. This information shall include, but not be limited to, a statement as to whether or not the applicant, in working as a massage or bodywork technician or similar occupation under a permit or license, has had such permit or license revoked or suspended, and the reasons therefor.

(7) The name and address of the recognized school attended, the dates attended, and a copy of the diploma or certificate of completion awarded the applicant. All applicants may be required to furnish additional evidence of enrollment and attendance of the required class hours or if such evidence is not available are subject to an oral interview by the permit administrator or his or her appointee to establish the bona fide completion of educational requirements.

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1. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(8) Such other identification and information as the City may require in order to discover the truth of the matters required to be set forth in the application.

D. Temporary permit. Massage therapists may request a sixty-day temporary permit upon payment of all fees for the first year. A temporary permit will be issued for use during the interim period. However, the temporary permit may be revoked at any time upon failure to meet the requirements for a permanent permit, or upon violation of other provisions of this chapter.

E. The massage permit shall have a number assigned by the City for the purposes of identification.

§ 364-105. Requirements for issuance of massage therapist permit.

Requirements for issuance of massage therapist permit. No permit will be issued unless the applicant meets all of the following criteria:

A. Is a member in good standing in a state or national professional association as defined in § 364-102.

B. Holds a current national certification under a recognized school of massage.

C. Satisfies one of the following conditions:

(1) Has completed 500 hours of instruction in the massage specialty and health enhancement approach from an approved school as defined in the definitions Section or classes in massage therapy and related topics offered through State-approved colleges and universities.

(2) Has completed 250 hours of such instruction and, in addition, 250 hours of practical experience in the massage specialty and health enhancement approach in the form of paid employment as documented by IRS tax returns or other affidavit. Proof of practical experience may include, but is not limited to, 1040 tax returns or W-2 tax forms provided to the applicant and certified by the employing professional and documentation of hours.

(3) Has completed a minimum of 100 hours of such training from an approved school, and proof of 400 hours additional training in:

(a) Continuing educational classes in the massage field and related classes offered by a recognized school of massage or bodywork as defined above.

(b) Classes and workshops as in Subsection C(3)(a) approved by the Board of Registered Nurses for nursing CE credit or approved in Category A by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

(c) Programs as in Subsection C(3)(a) approved and certified by qualifying professional organizations as defined above.

(d) Adult education classes in massage and related topics offered through state-approved colleges and universities.

(4) Has completed a minimum of 100 hours of such training from an approved school, and proof of 150 hours additional training as described above, and in addition, 250 hours of practical experience as defined above.

(5) Has passed an independently prepared and administered National Certification exam which has been recognized by objective standards to fairly evaluate professional levels of skill, safety and competence, as determined by the National Commission for Certifying Agencies (NCCA) or a similar certifying body. The practitioner need not maintain this certification after passing the exam, unless to meet the requirements prescribed herein.

§ 364-106. Appeal of denial of massage therapist permit.

A. The permit administrator shall give written notice to the applicant of a denial of an application for a massage therapist permit. Said notice shall set forth the grounds for the denial of the license or permit, and shall be mailed to the applicant at the applicant's address.

B. Within 30 days from the date of receipt of the notice of denial in the mail, the applicant may appeal the decision in writing to the permit administrator, setting forth in detail the ground or grounds for the appeal.

C. Upon receipt of a notice of appeal; the permit administrator shall designate a person to conduct a hearing in accordance with the City's hearing procedures. Such hearing shall be not less than 30 days from the date the appeal was received by the permit administrator. Written notice shall be given by mail to the applicant of the date, time, and place for the hearing.

§ 364-107. Revocation or suspension of permits; appeal.

A. The permit administrator may suspend or revoke any permit issued pursuant to this chapter in the event that he or she determines:

(1) The permittee has violated any provisions of this chapter.

(2) The permittee has engaged in disqualifying conduct, as described in this chapter.

(3) The permittee has made a material misstatement in the application for a permit.

B. A person may appeal from the suspension or revocation of his or her permit pursuant to the procedure set forth in § 364-106 of this chapter.

§ 364-108. Existing massage practitioner permits.

All persons currently authorized by the City to practice massage holding existing massage permits who desire to continue practice, shall be granted two years from the effective date to comply with all requirements of this chapter providing that their massage services are not sexually oriented, are open to the general public and made equally available to both sexes, and that their business is open for inspection by zoning or health inspectors during their business hours.

§ 364-109. Exemptions.

A. This chapter shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:

(1) Any person holding an unrevoked license by the state while performing activities encompassed by the legal scope of practice of such professional license.

(2) Practitioners who work on fully clothed clients using one of the following systems while in the course of providing work under this system:

(a) Reflexology practitioners providing massage exclusively to the feet and/or hands and/or ears.

(b) Practitioners of educational systems in which touch is incidental and in which touch and words are used to deepen awareness of existing patterns of movement in the human body as well as to suggest new possibilities of movement.

(c) Practitioners using a non-touch contact to affect the energy systems of the human body.

B. The permit administrator may exempt from the requirements of this section practitioners of recognized proprietary somatic modalities which are not "massage" as commonly understood but which may fall within the definition of massage herein because of touching or other contact, if said practitioners are certified to practice by that modality's guild or other professional organization.

C. This chapter shall not apply to individuals administering massages or health treatment involving massage to persons participating in road races, track meets, triathlons, educational events or conferences and similar single occurrence athletic or recreational or educational events; provided that all of the following conditions are met:

(1) The massage services are made equally available to all participants in the event.

(2) The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring corporations.

(3) The massage services are provided at the site of the event in a public setting and either during, immediately preceding or immediately following the event.

(4) The sponsors of the event have been advised of and have approved the provision of massage services and the qualifications required of those performing such services.

D. Out-of-state visitors.

(1) This chapter shall not apply to individuals in the City or state temporarily for educational events or disaster relief.

§ 364-110. Exemptions from zoning restrictions.

Those massage businesses in which all persons engaging in activities which require them to obtain a permit under this chapter possess the qualifications of, and have obtained valid permits as massage therapists shall be zoned as business, health-professional or commercial, and shall be permitted in any neighborhood that allows for home occupations or in areas where home occupations are not excluded.

§ 364-111. Violations and penalties.[2]

Any person operating a business recognized as a massage occupation and/or health enhancement service within the City without obtaining a permit as provided herein or failing to comply with any and all provisions of this chapter, shall be, upon conviction thereof, sentenced to pay a fine of not less than $600 but no more than $1,000 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which such person violated this chapter may be considered as a separate offense and punishable as such as provided above and by law.

2. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

Chapter 378

MUNICIPAL CLAIMS AND LIENS

Part 1
Collection of Delinquent Property Taxes

§ 378-101. Schedule.
§ 378-102. Charges.
§ 378-103. Interest.
§ 378-104. Powers.
§ 378-105. Effective date.
§ 378-106. Delinquent real estate tax.
§ 378-107. Collection costs.

Part 2
Unpaid Claims

§ 378-201. Fees to be added to the unpaid claim.
§ 378-202. Costs to be added to unpaid claims.
§ 378-203. Interest.
§ 378-204. Collection procedures.
§ 378-205. Related action.
§ 378-206. Appointment of Solicitor.

Part 3
Collection of Delinquent Non-Real Estate Based Taxes

§ 378-301. Collection of fees; procedures.
§ 378-302. Empowerment of officials.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Tax abatements — See Ch. 543.

Tax amnesty program — See Ch. 546.

Taxation — See Ch. 549.

STATE LAW REFERENCES

Municipal Claims and Tax Liens Law — See 53 P.S. § 7101 et seq.

Part 1
Collection Of Delinquent Property Taxes

[Adopted 8-27-2001 By Ord. No. 26-2001 (Ch. 24, Part 9, Of The 2001 Code Of Ordinances)]

§ 378-101. Schedule. [Amended 5-13-2002 by Ord. No. 7-2002]

A. The City hereby approves the following schedule of attorney fees for services in connection with the collection of delinquent property tax accounts. Said schedule is determined to be fair and reasonable compensation for services set forth, all in accordance with principles set forth in § 3 of the Municipal Claims Law:[1]

Schedule of Fees

Legal Services	Fee for Services
Process and notice of delinquency	$35
Initial review and sending first demand letter	$160
Filing and mailing second demand letter	$50
Filing lien	$175
Title search	$250
Preparation and service of writ of scire facias	$175
Notice of intention to file judgment for want of an answer	$30
Alternative service of legal pleadings	$250
Entry of judgment	$175
Preparation of writ of execution and attend initial sheriff sale	$800
Preparation of document and attendance at second sheriff sale	$600
Review schedule of distribution and resolve distribution issues	$250
Services not covered above	$150 per hour, attorney
	$75 per hour, paralegals

B. There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, including sheriff's and prothonotary's costs.

C. The amount of fees determined, as set forth above, shall be added to the City's claim in each account.

D. The following collection procedures are hereby established in accordance with 53 P.S. § 7106:[2]

(1) At least 30 days prior to assessing or imposing attorney fees in connection with the collection of an account, City shall mail or cause to be mailed, by certified mail, return

1. **Editor's Note: See 53 P.S. § 7103.**
2. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

receipt requested, a notice of such intention to the taxpayer or other entity liable for the account (the "Account Debtor").

(2) If the certified mail notice is undeliverable, then, at least 10 days prior to the assessing or imposing such attorney fees, the City shall mail or cause to be mailed, by first class mail, a second notice to such Account Debtor.

(3) All notices required by this Part shall be mailed to the Account Debtor's last known post office address as recorded in the records or other information of the City, or such other address as it may be able to obtain from the Berks County Office of Assessment.

(4) Each notice, as described above, shall include the following:

(a) The type of tax or other charge, the date it became due, and the amount owed, including penalty and interest.

(b) A statement of the City's intent to impose or assess attorney fees within 30 days after the mailing of the first notice, or within 10 days after the mailing of the second notice.

(c) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account.

(d) The place of payment for accounts and the name and telephone number of the City representative designated as responsible for collection matters.

§ 378-102. Charges.

The City hereby imposes a 5.5% charge on the total outstanding delinquency (including tax principal, penalty and accrued interest) of any delinquent tax account returned to the Berks County Tax Claim Bureau. Said 5.5% charge shall be in addition to any attorney fees pursuant to § 378-101.

§ 378-103. Interest. [Amended 5-13-2002 by Ord. No. 7-2002]

The City imposes 10% per annum interest on any delinquent tax account from the date of filing a lien for said claim.

§ 378-104. Powers.

The proper official of the City are hereby authorized and empowered to take such additional action as they may deem necessary to appropriate to implement this Part.

§ 378-105. Effective date.

This Part shall take effect at the expiration of 20 days after passage by Council and approval by the Mayor, or repassage by Council over the Mayor's veto.

§ 378-106. Delinquent real estate tax. [Added 4-22-2002 by Ord. No. 16-2002]

The City hereby authorized the imposition of a $35 delinquent real estate tax account fee upon any such account.

§ 378-107. Collection costs. [Added 4-22-2002 by Ord. No. 16-2002]

The City hereby authorized the imposition of collection costs up to and including 33 1/3% of the outstanding delinquent real estate tax account. Said outstanding account for collection costs computation shall include only the delinquent tax, applicable penalty amount, $35 fee and interest. However, all incidental expenses (court fees, filing fees, process of service fees, postage, etc.) shall also be part of the delinquent real estate tax account total to be collected along with the above collection costs.

Part 2
Unpaid Claims

[Adopted 5-26-2009 By Ord. No. 28-2009]

§ 378-201. Fees to be added to the unpaid claim.

City of Reading hereby approves the following fee schedule for the collection of unpaid claims, which fees shall be added to the unpaid claim:

A. Notice expense: not to exceed $50, together with all costs and expenses incurred, shall be added to the unpaid claim for mailing a notice of delinquency pursuant to § 7106 of the Municipal Claims and Tax Liens Act.[3]

B. Collection fees.

(1) Handling fee for returned check: $30.

(2) Handling fee to issue refund check: $20.

(3) Bookkeeping fee for payment plan of three months or less: $25.

(4) Bookkeeping fee for payment plan of more than three months $50.

(5) Guaranteed payoff fee: $25.

C. Legal fees.

(1) Initial review and sending first demand letter: $160.

(2) File lien and prepare satisfaction: $175.

(3) Prepare writ of scire facias: $175.

(4) Obtain reissued writ: $30

(5) Prepare and mail letter under Pa.R.C.P. § 237.1: $30

(6) Prepare motion for alternate service: $175.

(7) Prepare default judgment: $175.

(8) Prepare writ of execution: $800.

(9) Attendance at sale; review schedule of distribution and resolve distribution issues: $400.

(10) Continue sheriff sale: $50.

(11) Petition to assess damages: $0.50.

(12) Petition for free and clear sale: $400.

(13) Prepare bankruptcy proof of claim: $100.

(14) Services not covered above: at an hourly rate between $60 and $225 per hour.

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3. Editor's Note: See 53 P.S. § 7106.

§ 378-202. Costs to be added to unpaid claims.

In addition, the reasonable and necessary out-of-pocket charges, costs, expenses, commissions and fees incurred in collection, such as but not limited to, postage, title searches, prothonotary fees and sheriff fees, shall be added to the unpaid claims.

§ 378-203. Interest.

Interest will be assessed upon all delinquent unpaid municipal claims at a rate of 10% per annum and added to the unpaid claim.

§ 378-204. Collection procedures.

The following collection procedures are hereby established in accordance with the Act:

A. At least 30 days prior to assessing or imposing attorney fees in connection with the collection of an account, the City of Reading or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the account (the "property owner").

B. If the certified mail notice is undelivered, then, at least 10 days prior to the assessing or imposing such attorney fees, City of Reading or its designee shall mail or cause to be mailed, by first class mail, a second notice to the property owner.

C. All notices required by this Part shall be mailed to the property owner's last known post office address as recorded in the records or other information of City of Reading, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes.

D. Each notice as described above shall include the following:

(1) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;

(2) A statement of City of Reading's intent to impose or assess attorney fees within 30 days after the mailing of the first notice, or within 10 days after the mailing of the second notice;

(3) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and

(4) The place of payment for accounts and the name and telephone number of City of Reading's representative designated as responsible for collection matters.

§ 378-205. Related action.

The proper officials of City of Reading are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Part.

§ 378-206. Appointment of Solicitor.

City of Reading appoints Michelle R. Portnoff, Esquire, as Solicitor for the limited purpose of collecting delinquent municipal claims and hereby authorizes her, and attorneys under her

supervision, to sign any and all documents, including tax and municipal claims, on behalf of the City.

Part 3
Collection Of Delinquent Non-Real Estate Based Taxes

[Adopted 11-9-2009 By Ord. No. 58-2009 (Ch. 24, Part 10, Of The 2001 Code Of Ordinances)]

§ 378-301. Collection of fees; procedures.

A. The City hereby approves attorneys' fees for delinquent collections associated with earned income tax, business privilege tax, business privilege license fees, per capita tax, and other non-real estate based tax and receivables. Said schedule is determined to be fair and reasonable compensation for services rendered pursuant to the Pennsylvania Municipal Claims and Tax Liens Act.[4]

SCHEDULE OF FEES

Legal Services	Fee for Services
Collection of delinquent accounts	20% contingency fee, calculated against the base tax, penalty and interest of the delinquent account

B. There shall be added to said fee amounts the reasonable out-of-pocket expenses incurred by legal counsel in connection with the collection of the accounts, including Sheriff's and Prothonotary's costs.

C. The amount of attorneys' fees determined, as set forth above, shall be added to the City's claim for each account.

D. The following collection procedures are hereby established:

(1) At least 30 days prior to assessing or imposing attorneys' fees in connection with the collection of a delinquent account, City shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the account (the "account debtor").

(2) If the certified mail notice is undeliverable, then, at least 10 days prior to assessing or imposing such attorneys' fees, the City shall mail or cause to be mailed, by first class mail, a second notice to such account debtor.

(3) All notices required by this section shall be mailed to the account debtor's last known post office address as recorded in the records or other information of the City, or such other address as it may be able to obtain.

(4) Each notice, as described above, shall include the following:

(a) The type of tax or other charge, the date it became due, and the amount owed, including penalty and interest.

(b) A statement of the City's intent to impose or assess attorneys' fees within 30 days after mailing of the first notice, or within 10 days after the mailing of the second notice.

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4. Editor's Note: See 53 P.S. § 7101 et seq.

(c) The manner in which the assessment or imposition of attorneys' fees may be avoided by payment of the account.

(d) The place of payment for accounts and the name and telephone number of the City representative designated as responsible for collection matters.

§ 378-302. Empowerment of officials.

The proper officials of the City are hereby authorized and empowered to take such additional action as they may deem necessary and appropriate to implement this Schedule of Attorneys' Fees.

Chapter 387

NOISE

§ 387-101. Intent and purpose.
§ 387-102. Definitions.
§ 387-103. Noise disturbance prohibited.
§ 387-104. Specified prohibited acts.
§ 387-105. Motor vehicle prohibitions.
§ 387-106. Prima facie violation.
§ 387-107. Exemptions.
§ 387-108. Enforcement.
§ 387-109. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 10-28-1996 by Ord. No. 33-1996 (Ch. 10, Part 2, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 141.

STATE LAW REFERENCES

Preventing noises — See 53 P.S. § 37403(25).

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§ 387-101. Intent and purpose.

Council finds that excessive levels of sound are detrimental to the physical, mental, and social well-being of the people as well as to their comfort, living conditions, general welfare and safety, and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the City.

§ 387-102. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

CONSTRUCTION OPERATION — The erection, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, grading, and regulation of lots in connection therewith.

EMERGENCY — Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

EMERGENCY WORK — Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

MUFFLER OR SOUND-DISSIPATIVE DEVICE — A device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

NOISE — Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE — Any sound which:

A. Endangers or injures the safety or health of humans or animals.

B. Annoys or disturbs a reasonable person of normal sensitivities.

C. Endangers or injures a personal or real property.

D. Is audible on a public street for a distance of 50 feet from the place or origin of such sound or noise.

PERSON — Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state. Whenever used in any clause prescribing and imposing a penalty, person includes the individual members, partners, officers and managers, or any of them, of partnerships and associations, and as to corporation, the officers and managers thereof or any of them.

POWERED MODEL VEHICLE — Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designed to carry persons including, but not limited to, any model airplane, boat, car or rocket.

PROPERTY LINE (BOUNDARY) — An imaginary line drawn through the points of contact of adjoining lands, apartments, condominiums, townhouses and duplexes owned, rented or leased by different persons, a demarcation or a line of separation of properties, and also, for any two or more buildings sharing common grounds, the line drawn midway between any two such buildings. All areas devoted to public right-of-way shall be deemed to be across the property line. For the purpose of this regulation, the property line includes all points on a plane formed by projecting the property line in a manner deemed appropriate by the enforcing police officer.

PUBLIC RIGHT-OF-WAY — Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

PUBLIC SPACE — Any real property or structures thereon which are owned or controlled by a governmental entity.

REAL PROPERTY — All land whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to public right-of-way.

SOUND — An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium, or the superposition of such propagated oscillation which evokes an auditory sensation. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

§ 387-103. Noise disturbance prohibited.

No person shall make, continue or cause to be made or continued any noise disturbance, nor shall any person suffer, allow or permit any noise disturbance to be made or continued from or at any property, whether real or personal, that is subject to such person's right to control.

§ 387-104. Specified prohibited acts.

The following acts, and the causing thereof, are declared to be noise disturbances and therefore in violation of this chapter.

A. Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo or high fidelity equipment, disc or tape player, loudspeaker or other similar device, not in connection with the lawful operation of an emergency vehicle such as an ambulance, police or fire vehicle nor in connection with a lawfully permitted parade, public assembly, or other activity for which a permit is issued by the duly constituted legal authority, or similar device which produces, reproduces or amplifies sound:

(1) At any time in such a manner as to cause a noise disturbance across a property line (boundary), or between the hours of 10:00 p.m. and 7:00 a.m. so as to be plainly audible across a property line (boundary); or which is audible on a public street for a distance of 50 feet from the place or origin of such sound or noise.

(2) In such a manner as to create a noise disturbance across a property line (boundary) or at 50 feet from such device, whichever is less, when the device is operated in or on a motor vehicle, or hand carried, on a public right-of-way or public space.

(3) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by an passenger on a common carrier.

B. Yelling or shouting. Engaging in loud or raucous yelling, shouting, hooting, whistling or singing:

(1) On the public streets between the hours of 10:00 p.m. and 7:00 a.m.

(2) At any time or place in such a manner as to create a noise disturbance.

C. Construction tools or equipment. Operating or permitting the operation of any tools or equipment used in construction operations, drilling or demolition work:

(1) Between the hours of 10:00 p.m. and 7:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or legal holidays, such that the sound therefore creates a noise disturbance across a residential real property line (boundary), except for emergency work.

(2) This Subsection C shall not apply to the use of domestic power tools as hereinafter provided in Subsection D hereof.

D. Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. so as to cause a noise disturbance across a residential property line (boundary) except in an emergency.

E. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise

disturbance across a residential property line (boundary). This Subsection E shall not apply to municipal or utility services in or about the public right-of-way.

F. Animals and birds. Owning, possessing, harboring or controlling any animal or bird which howls, barks, meows, squawks, or makes other sounds continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance of any person at any time of the day or night regardless of whether the animal or bird is situated in or upon private property; provided, however, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or for any other legitimate cause which teased or provoked the animal or bird.

G. Powered model vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential property line (boundary) between the hours of 10:00 p.m. and 7:00 a.m.

H. Street sales. Offering for sale or selling by shouting or outcry or by any other amplified or unamplified sound within any residential or commercial area of the City.

I. Tampering. The following acts or the causing thereof are prohibited:

(1) The removal or rendering inoperative by any person, other than for the purposes of maintenance, repair or replacement, of any muffler or sound dissipative device or element of design or noise label of any product.

(2) The use of a product which has had a muffler or sound dissipative device or element of design or noise labeled removed or rendered inoperative, with knowledge that such action has occurred.

J. Vehicle, motorboat or aircraft repairs and testing. Repairing, rebuilding, or testing any motor vehicle, motorcycle, or aircraft in such a manner as to cause a noise disturbance across a residential real property line (boundary).

§ 387-105. Motor vehicle prohibitions.

A. Motor vehicles and motorcycles on public right-of-way. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle, or any equipment attached to such a vehicle, on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle, or any equipment attached to such a vehicle exceeds the level set forth in Pennsylvania Code, Title 67, Chapter 157, Established Sound Levels.

B. Standing motor vehicles. No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period longer than 15 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, anywhere within 150 feet of any residence in such a manner as to cause a noise disturbance across a residential property line (boundary).

C. Unnecessary horn blowing. No person shall at any time sound the horn or other warning device of a vehicle except when absolutely necessary as a warning while actually driving such vehicle.

D. Sound trucks. No person shall operate sound amplifying equipment mounted on or attached to any motor vehicle at any time in such a manner as to exceed the maximum permissible motor vehicle noise emissions as set forth in Subsection A hereof.

E. The sensory mechanism used in connection with an automatic motor vehicle protection device shall be adjusted to suppress false indications of burglary or intrusion so that the device will not be activated by impulse or vibration caused by any force not related to the alarms. All components comprising such a device shall be maintained by the owner or lessee in good repair to assure maximum reliability of operation. **[Amended 8-10-1998 by Ord. No. 26-1998]**

§ 387-106. Prima facie violation. [Amended 8-10-1998 by Ord. No. 26-1998]

Prima facie evidence of a noise disturbance shall exist if the noise from any of the acts prohibited in §§ 387-103 to 387-105:

A. Disturbs two or more residents who are in general agreement as to the times and durations of the noise and who reside in separate residences, including apartments and condominiums located within the same building, located across a property line (boundary) from the property on which the source of the noise is generated.

B. One resident located across a property line (boundary) from the property on which the source of the noise is generated, and corroborated by a police officer.

C. Solely witnessed/observed by a police officer when citing any section hereunder.

§ 387-107. Exemptions.

The following sounds are exempted from the provisions of this chapter:

A. Amplified announcements. Stationary electronically amplified announcements at athletic events, political events and civic events.

B. Blasting. Blasting, under proper permit. Such blasting may occur only between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, unless specifically authorized by permit.

C. Concerts, etc. Band concerts, block parties, church carnivals or other performances or similar activities publicly or privately sponsored and presented in any public or private space outdoors provided that such activities do not occur between the hours of 10:00 p.m. and 7:00 a.m. and all necessary permits as defined by City ordinances have been procured.

D. Emergency work. Sounds caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.

E. Municipal and utility services. Sounds resulting from the repair or replacement of any municipal or utility installation in or about the public right-of-way.

F. School and public activities. Sounds not electronically amplified, created by organized school-related programs, activities, athletic and entertainment events, or other public programs, activities or events, other than motor vehicle racing events.

G. Warning devices. Sounds made by warning devices operating continuously for three minutes or less except in the event of an actual emergency the time limitation shall not apply.

H. Special permits. The Chief of the Department of Police, or his designee, may, upon application, grant special permits for infrequent events or activities.

§ 387-108. Enforcement.

This chapter shall be enforced by the Police Department of the City.

§ 387-109. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

A. Whoever violates any provision of this chapter shall be, upon conviction thereof, sentenced to pay a fine not less than $25 nor more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day during which any person violates any provision of this chapter shall constitute a separate offense.

B. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may otherwise be available with or without process of law.

Chapter 396

PARKS AND RECREATION

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[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 141.

Part 1
Firemen's Memorial Band Shell

[Adopted 6-15-1949 By Ord. No. 27-1949 (Ch. 16, Part 3, Of The 2001 Code Of Ordinances)]

§ 396-101. Permit application; compliance with laws; fee. [Amended 6-13-1950 by Ord. No. 21-1950]

All persons or organizations seeking or desiring the use of the Firemen's Memorial Band Shell in the City Park shall make application in writing to the Director of the Department of Public Works, such application to be in the following form:

A. _____

Name of applicant

B. _____

Location or P.O. Address

C. _____

Type of Organization — religious, recreational, musical, etc.

D. _____

Date and time of requested use of Band Shell — day of the month and hours of the day

E. _____

Approximate number of participant in exercise — or number of members of band, etc.

F. _____

Estimated attendance

G. The undersigned applicant for use of the Band Shell and the electrical sound facilities of the City therein, makes this application by its duly authorized agent and covenants, warrants and agrees that in the conducting of any religious services or exercises or any functions held by the applicant, if permit is granted to it, that it shall faithfully obey and observe the laws of the Commonwealth of Pennsylvania, that it shall not engage in conduct tending to a breach of the peace, that its proceedings shall be free from slander as the same is defined under the laws and decisions of the Commonwealth of Pennsylvania; and further, that it and its servants, agents and employees shall faithfully observe the laws of the United States of America.

H. The undersigned applicant makes request for a permit for the purpose, or purposes, hereinbefore stated and for the date and time hereinbefore set forth and tenders the permit fee to the Director of the Department of Public Works and requests the issuance of a permit for the use of the Band Shell in accordance with the representations set forth in this application.

[Amended 8-26-2013 by Ord. No. 35-2013]

_____ (Seal)

Applicant

_____

Authorized agent signing on behalf of organization

§ 396-102. Permit revocation.

The Director of the Department of Public Works is authorized and directed to revoke the permit issued to the applicant upon any violation of the conditions set forth and contained in the application.

§ 396-103. Fee; exceptions.[1]

The fee set forth in Chapter 212, Fees, shall be paid for the use of the Firemen's Memorial Band Shell for its use between the hours of 6:00 a.m. and 11:00 p.m., for each day, or any part of a day; provided, however, that graduation exercises for any grammar school or high school, or any band concert, shall be exempt from the payment of such fee.

§ 396-104. Permit issuance.

The Director of the Department of Public Works, upon receipt of an application in the form hereinbefore prescribed in § 396-101, shall issue a permit to the applicant for the date so requested. However, if more than one application is made for the same date, the Director shall issue a permit to the applicant whose application is first received by him.

§ 396-105. Electrical sound facilities.

The Director of the Department of Public Works, upon issuance of a permit for the use of the Firemen's Memorial Band Shell shall make available the electrical sound facilities, situate therein, for the use of the holder of the permit during the hours specified on the application and permit.

§ 396-106. Permit form.

The permit to be issued by the Director of the Department of Public Works shall be in the following form:

PERMIT FOR USE OF THE FIREMEN'S MEMORIAL BAND SHELL, CITY PARK, READING, PENNSYLVANIA

Permission is hereby granted to in accordance with application, in writing, received and approved by the undersigned, for the use of the Firemen's Memorial Band Shell, City Park, Reading, Pennsylvania, and the use of the sound facilities, owned by the City of Reading, situate therein, for the _____ day of A.D. _____, between the hours of _____ m. and _____ m.

CITY OF READING

By _____

Director of the Department of Public Works

§ 396-107. Applicant to have permit in possession.

The permit issued, under and in accordance with this Part, shall be in the possession of the applicant or an accredited representative thereof, in attendance at the function or exercise, and

1. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

be exhibited upon request to any police officer or any park guard employed by the City during the hours specified and the date set forth on the permit.

§ 396-108. Permit required for event.

No person, or persons, firm, association or corporation shall hold, carry on or participate in any exhibit, meeting, ceremony, service, religious or otherwise, in or about the Firemen's Memorial Band Shell, without having first obtained the permit required under the terms of this Part.

§ 396-109. Permit required for use.

No use of the Firemen's Memorial Band Shell or any portion thereof, shall be permitted to any person, or persons, firm, association or corporation, without the obtaining of the permit required by this Part.

§ 396-110. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001[2]]

Any person, firm or corporation who shall violate any provision of this Part, shall be, upon conviction thereof, sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and cost, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

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2. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Part 2
Penn Square
[Adopted 7-12-1999 By Ord. No. 14-1999 (Ch. 16, Part 2, Of The 2001 Code Of Ordinances)]

§ 396-201. Scope.

This Part shall apply to the following areas in the City:

A. The area of downtown Reading, bounded by the midpoint of Franklin Street on the south, the midpoint of North and South Seventh Street on the east, the midpoint of Walnut Street on the north and the midpoint of North and South Fourth Street on the west.

B. The area bordering the south side of Penn Street between Eighth Street and Ninth Street, also known as Market Square.

C. The area of Cedar Street between Washington Street and Court Street, also known as Cedar Street Park.

D. Such other area or areas as Council may designate as areas subject to the supervision and control of the Penn Square Commission.

E. These areas are hereby ordained and for all intents and purposes shall be considered to be part of the City park system and, except as specifically provided to the contrary herein, shall be subject to the ordinances relating to the Department of Public Works of the City as provided in Part 3, Park Use, of this chapter, and to the rules and regulations promulgated in accordance therewith.

§ 396-202. Definitions.

As used in this Part, certain terms are defined as follows:

COMMISSION — The Penn Square Commission.

PERMIT — A permit applied for and granted in accordance with § 396-211.

SECRETARY — The individual appointed by the Commission to receive permit applications and other correspondence of the Commission.

SQUARE — Includes any and all of the designated areas specified in § 396-201.

§ 396-203. Shrubbed and flowered areas; sheltering structures.

No person shall enter into a shrubbed or flowered area, or onto a sheltering structure in the square unless, by authority of the City, he does so for the purposes of cleaning, maintenance or law enforcement.

§ 396-204. Climbing.

Except as authorized by the Commission, no person shall climb:

A. Any tree in the square.

B. Any temporary or permanent structure in the square other than a stairway.

§ 396-205. Animals.

Except with reference to blind persons and their dog guides, or when and as otherwise authorized by the Commission, no person owning or having in his custody any animal or fowl shall take, lead, propel or allow such animal or fowl to be on the Square unless such animal or fowl is caged.

§ 396-206. Vehicles.

A. No person owning or having in his custody any motor vehicle shall operate, park or stand such motor vehicle in the Square except in the manner and at those places designated therefor.

B. No person owning or having in his custody any type of bicycle shall ride the same in the Square except in those places designated therefor, or operate the same in the Square other than by walking.

§ 396-207. Fountains.

A. No person shall deposit or leave any object or substance whatsoever in the water in any fountain in the Square.

B. No person shall use the water in any such fountain for any purpose other than observing, or enter into any such fountain for any purpose.

§ 396-208. Alcoholic beverages.

No person shall consume or drink any malt or brewed beverages or vinous or spirituous liquors in the Square, except in those areas designated therefor, and operated by establishments displaying a Commonwealth of Pennsylvania Liquor Control Board license.

§ 396-209. Kiosks.

The purpose of the kiosks located in the Square is to provide a means by which individuals and groups may notify the public of their views and sponsorship of various activities and events. In order to ensure the legitimate and efficient use of the kiosks, the following controls shall apply:

A. Any person or group wishing to post any notice, bill, sign or advertising material of any kind shall first submit such material to the Secretary; provided, however, that this shall not apply to notices placed by employees of the City engaged in the performances of their duties.

B. The Commission shall review such material to determine its appropriateness for posting, in accordance with criteria established by the rules and regulations of the Commission and consistent with applicable federal and state constitutional standards.

C. The Commission, upon approving such material, shall stamp it indicating the material is approved for posting and the removal date thereof, such date to be determined in each case by the nature of the specific material.

D. It shall be permitted for any person to remove from the kiosks material which is not so stamped or the removal date of which has expired.

E. It is the purpose of this section to assure that, should material of an offensive nature be posted on any kiosk contrary to the intent of this article, it shall not bear the Commission's stamp of approval, and may be removed by the person or group so offended. It is not the purpose of this section to provide for the censorship of material or for penalties for posting one's views.

§ 396-210. Activities requiring permits or City sponsorship.

Except as authorized under the applicable permit procedures described herein, or under the sponsorship of the City, no person or group shall engage in any of the following activities in the Square:

A. Fund-raising.

B. Solicitation.

C. The sale, offer for sale or display of any merchandise, article, or thing, or of any services.

D. Placing a display or allowing a display in one's charge or custody to remain.

E. Conduct or participation in the conduct of a dance.

F. Conduct or presentation, or participation in the conduct or presentation of any musical, theatrical, cinematic, choreographic, athletic or other entertainment.

G. Conduct or participation in the conduct of a meeting.

H. Electrical or mechanical amplification of sound.

§ 396-211. Permit procedure. [Amended 5-29-2001 by Ord. No. 14-2001]

A permit for an activity authorized for the Square only upon the issuance of such a permit may be obtained as follows:

A. Application. Application for the permit may be filed with the Secretary or his designee on a form supplied by him and available in the office of the Director of Public Works, City Hall.

B. Application filing deadline. The application may not be filed earlier than 125 days nor less than 65 days before the date set for the activity, unless the Commission finds that earlier or later filing of the application is necessary in the interests of the applicant and the City. If the filing is later than 65 days before the date set for the activity, the applicant shall have no right of appeal.

C. Posting application copy. A copy of the application shall be posted promptly in a conspicuous place in the Square and shall remain posted until the permit applied for has been granted or denied.

D. Granting permit. Within 31 days after the filing of the application, the Commission shall determine whether the permit shall be granted. In granting it, the Commission may condition it by requiring a deposit, as authorized by Subsection I hereof, or by requirements and restrictions conductive to the achievement of the purposes and objectives set forth at the beginning of this Part and in Subsection G hereof.

E. Appeals. A party aggrieved by the issuance or denial of a permit under Subsection D hereof may, within 10 days after such action, appeal the decision of the Commission to Council. Notice of the appeal shall be filed with the Secretary and the Director of the Department of Public Works and the permit, if issued, shall be suspended until the appeal is decided. Following the ten-day appeal notification period, Council shall have 15 days to:

(1) Conduct a hearing on the appeal, 72 hours advance notice of which shall be given the appellant, the permittee and the Commission.

(2) Within one week of the action required by Subsection E(1) hereof, make a determination, which shall be considered final, whether a permit shall be granted, and, if so, whether it shall be conditioned in accordance with Subsection D hereof.

F. After a permit is granted in accordance with Subsection D or E hereof, a copy of the permit shall be posted promptly in a conspicuous place in the Square and shall remain so posted until after the time for the activity has expired.

G. Conditions to be considered. In making the determination whether to grant a permit under this section and to subject the permit to conditions, the Commission shall consider, without being limited to, the following:

(1) Maintaining the free flow of pedestrian traffic into, in and from the Square, and into and from private premises in the vicinity of the Square.

(2) Minimizing danger to public health, peace and safety and to public and private property.

(3) Preserving and enhancing the aesthetic qualities of the Square.

(4) Preventing noise and other conditions that would interfere with legitimate pursuit in the Square or on adjacent premises.

(5) Contributing to a variety of nonrepetitive activities in the Square and to diverse sponsorship of such activities.

(6) Avoiding extra and undue administrative functions and expense to the City.

H. Past performances. The person or persons who under Subsection D or E hereof determine whether a permit should be granted shall also consider the past performance of the applicant in carrying on activities under a permit or license issued by the City or the state. Failure of the applicant to carry on permitted or licensed activities in accordance with such past permit or license, or to conform to the laws of the City or the state shall constitute sufficient cause for denial of the permit for which application has been made under this section.

I. If the Commission or in the case of an appeal, Council finds that the activity for which the permit is sought is likely to cause extra expense to the City, the Commission may condition the permit on advance deposit with the Administrative Services Department of a sum from which may be drawn whatever amount the Commission subsequently finds necessary to reimburse the City for any extra expenses arising from the activity. Any such requirement of deposit shall be accompanied by a written explanation of the amount specified for the deposit. Within 10 days after the permitted activity has ceased, the Administrative Services

Department shall return to the permittee whatever amount of the deposit the Commission certifies is not needed to defray the extra expenses.

J. Compliance or revocation. An activity in the Square authorized by a permit granted in accordance with this section may be carried on only in accordance with whatever conditions are specified for the permit. Failure to comply with such conditions shall constitute sufficient cause for summary revocation of the permit. Failure to comply with such conditions shall constitute sufficient cause for summary revocation of the permit by any officer of the City.

K. Permit required to be present. Any activity in the Square authorized by a permit granted in accordance with this section may be carried on only while the permittee or his agent has the permit in the Square. The possessor of the permit shall display it upon the request of any officer of the City. Failure to so display the permit shall be cause for the activity immediately to cease until the permit is so displayed. Any persistence of the activity during such time shall constitute a violation of this Part and sufficient cause for summary revocation of the permit by the requesting officer.

L. Constitutional rights. Application for a permit to carry on in the Square any activity deferred to in § 396-210 that embodies a constitutionally guaranteed right shall be granted if at the time set for exercise of the right there is a suitable place available in the Square for exercising the right. Exercise of the right may take place only in the area of the Square designated therefor in the permit, and only in accordance with whatever reasonable conditions are specified for issuance of the permit, pursuant to the objectives set forth at the beginning of this Part and in Subsection G hereof.

M. The permit shall specify the time limits for the permitted activity. Such activity shall not be carried on between the hours of 12:00 midnight and 5:00 a.m., prevailing time.

§ 396-212. Curfew.

No person shall be present in the Square between the hours of 2:00 a.m. and 5:00 a.m., prevailing time, unless such person is on official business, is attending or returning from a permitted activity on the Square, or is so present with the prior approval of the Manager; provided that, this prohibition shall not apply to municipal personnel engaged in the performance of their duties. This shall not be construed as to prohibit vehicular or pedestrian through traffic.

§ 396-213. Interference with permitted activity.

No person shall interfere with or disrupt any activity carried on in the Square in accordance with a permit issued under § 396-211.

§ 396-214. Loitering.

No person shall unnecessarily and willfully obstruct or interfere with travel through the Square, nor shall any person loaf, loiter or lounge in any area on the Square; provided that this section shall not be held to restrict peaceful picketing so long as an adequate passageway is kept clear for the use of other pedestrians. "Loaf, loiter or lounge" as used in this section includes, without being restricted to, sleeping on benches and monopolizing any area of the Square, other than for a permit authorized activity, to the unreasonable exclusion of use of the same area by other pedestrians.

§ 396-215. Public participation.

The Mayor shall designate an advisory board of no less than five nor more than 10 members each of whom shall be a taxpayer in or be a citizen in the City of Reading defined in § 396-201. The advisory board and its members shall serve at the pleasure of the Mayor with the approval of City Council and provide recommendations on issues pertaining to this Part.

§ 396-216. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001[3]]

Whoever violates or fails to comply with the provisions of this Part, or any rules or regulations made pursuant thereto, shall be, upon conviction thereof, sentenced to a fine not to exceed $300 for the first offense and $50 for each offense thereafter plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days for each offense thereafter.

3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Part 3
Park Use

[Adopted 5-12-2003 By Ord. No. 14-2003 (Ch. 16, Part 1, Of The 2001 Code Of Ordinances)]

§ 396-301. Short title.

This Part shall be known and may be cited as the "Reading Park Code."

§ 396-302. Purpose.

The purpose of this Part is to create an atmosphere conducive to the enjoyment of, and to protect the substantial public investment in, the City's parks.

§ 396-303. Definitions.

A. Intent. For the purpose of this Part, all words used in the present tense include the future tense. All words in the singular number include the plural number, unless the natural construction of the word indicates otherwise. The word "shall" is mandatory and not directory.

B. As used in this Part, certain words are defined as follows:

CITY — The City of Reading.

DIRECTOR OF PUBLIC WORKS — The official appointed and confirmed and/or his designee so designated, or his authorized representatives.

PARK — Any park, reserve, playground, recreation center, swimming pool, watershed or other place whatsoever owned, operated or used by the City and devoted to active or passive use whether within or without the corporate City limits.

PERMIT — The written authorization, issued by the Director of Public Works, to conduct activities governed by this Part.

PERSON — Any individual, firm, partnership, corporation or association, or any agent, assistant, employee or representative thereof.

§ 396-304. Rules of conduct.

No person shall do any of the acts hereinafter described within the limits of any City parks:

A. General uses and activities.

(1) Break, cut, deface, disturb, injure, move or remove any flower, fruit, plant, tree, shrub, bench, apparatus, public sign, notice or property.

(2) Gather, move or remove any wood, turf, grass, soil, rock, sand or gravel.

(3) Hunt for, shoot at, chase, catch or kill, or attempt to shoot at, chase, catch or kill, with or without dogs, any bird or animal except at Lake Ontelaunee where the Commonwealth of Pennsylvania Game Commission has been authorized to control game propagation and hunting, except that no hunting shall be allowed within 1,000 feet of any picnic area.

(4) Throw stones or missiles.

(5) Throw or discard tin cans, bottles, glass, paper, rubbish, waste materials or litter of any description except in the containers provided by the City for the deposit of such items.

(6) Dump or discard any refuse, junk, dead animal or offensive matter of any kind.

(7) Post or erect any bills, notices or advertising matter of any kind.

(8) Sell or offer for sale any merchandise, food, article or thing whatsoever, without a permit.

(9) Violate any posted rules for, or to misuse, any park, picnic court, camp area, playfield, swimming pool or other recreational area.

(10) Engage in camping, archery, golfing, horseback riding or any game, sport or race except upon such grounds and areas, and at such times, as are specifically designated for such activities.

(11) Have any ceremony or any musical, theatrical or other entertainment event without a permit.

B. Gaming. Engage in any unlawful gaming.

C. Use of alcoholic beverages. Consume, drink or have possession or custody of any malt or brewed beverages or vinous or spirituous liquors except where a valid Commonwealth of Pennsylvania Liquor Control Board license is displayed.

D. Use of firearms and fireworks.

(1) Carry, have or discharge firearms, air or spring rifles or slings, except as specified otherwise in this Part.

(2) Carry, have or use any fireworks without a permit.

E. Use of vehicles or motor vehicles, bicycles or skateboards.

(1) Except upon areas and at times specifically designated for such purposes, operate a licensed or unlicensed motor vehicle of any type, operate a bicycle, pedalcycle or cart or roller skate or use a skateboard.

(2) Stand or park any vehicle, except at those places designated therefor.

F. Control of pets. Permit any dog or other animal to be in any park except on a leash and under the control of the owner or temporary custodian thereof. All City health codes governing animal maintenance shall apply.

G. Use of fire.

(1) Make a fire of any kind in the Antietam Lake and Lake Ontelaunee areas except in a City owned nonportable fire place or picnic stove; in all other parks fires may be permitted only in a City owned nonportable fireplace or picnic stove or in a privately owned stove or similar device designed specifically for the cooking of food.

(2) Smoke in areas where forbidden by signs.

(3) Discard lighted matches, cigars or cigarettes or any other lighted material.

(4) Use or operate, in the Antietam Lake and Lake Ontelaunee watershed areas, any device that uses combustible fuel, including lanterns, stoves, heaters or the like.

H. Use of bodies of water for fishing, boating, swimming, wading floating or ice skating.

(1) Fish at any time or at any place except in raw water or unfiltered bodies of water, Angelica Lake and in the Maidencreek at points more than 1,000 feet below the dam breast. Only persons not having attained 16 years of age may fish in the mud dam in or at Bernhart's Reservoir which is situated east of the smaller spillway separating it from the main reservoir.

(2) Fish in or upon the entire premises known as Egelman Park, notwithstanding anything implied herein to the contrary.

(3) Use a boat upon any body of water owned or controlled by the City with the exception of Angelica Lake. Also, no person shall use any type of boat or craft upon which Angelica Lake unless the use be sanctioned by ordinance or resolution enacted or adopted by Council providing for the rental of such boat or craft from an authorized concessionaire or authorized City employee, or for the payment of a facility usage fee, in the case of a privately owned craft.

(4) Use, operate or occupy any private boat or craft upon Angelica Lake which is:

(a) Powered by a gasoline motor.

(b) Greater than 14 feet in overall length.

(c) Powered by an electric motor greater than five horsepower.

(5) Launch any type of boat or craft onto the Schuylkill River or Tulpehocken Creek from the banks of the City-owned or controlled riverfront unless such boat or craft be hand-carried over City-owned or controlled property.

(6) Swim, bathe, wade or float at any place except in a public swimming or wading pool.

(7) Ice skate or ice fish in or upon a lake, pond, stream, creek or any body of water owned or controlled by the City, unless officially posted for such purposes. It is unlawful to ice fish in Antietam Lake and Lake Ontelaunee where the Pennsylvania Fish Commission has been authorized to control fishing and so permits.

I. Use of bikeways.

(1) Operate any licensed or unlicensed motor vehicle, including motor bikes, mopeds and motorcycles.

(2) As the operator of a pedalcycle, not yield the right-of-way to pedestrians.

(3) Horseback ride.

(4) Use skateboards, roller skates, wagons, carts or other similar recreational devices, unless posted otherwise.

J. Time of use. Be present therein for any purpose whatever between the hours of 7:00 p.m. and 7:00 a.m., prevailing time, from October 1 through April 30, and 9:00 p.m. and 7:00 a.m., prevailing time, from May 1 through September 30, except with a permit. This prohibition shall not apply to City personnel engaged in the performance of their duties or to those having a permit or authorization from the Department of Public Works to conduct activities during closed hours.

K. Official use.

(1) None of the regulations in this section shall preclude the City or its agents or employees, from operating motor vehicles or motorized boats, entering bodies of water engaging in controlled burning, posting signs and notices, bearing arms or conducting any other activities in pursuance of its duties.

(2) From time to time the Director of Public Works may waive the regulations of this Part and designate temporary uses or activities as they relate to special and scheduled ceremonies or recreational activities.

L. Permits.

(1) All permits issued by the Director of Public Works shall be subject to park rules and regulations and a person to whom such permits may be granted shall be bound by such rules and regulations as fully as though the same were inserted in such permits.

(2) Any person to whom such permits may be granted shall be liable for any loss, damage or injury sustained by reason of negligence of such person.

(3) As a condition of issuing a permit, the City may require a permit applicant to secure liability insurance, to post bond or to make any other guarantees the City considers reasonable.

(4) No person shall conduct any activities for which a permit is required without first securing a valid permit to conduct such activities.

(5) No person shall make any alteration to a permit.

M. Penalty.

(1) Whoever violates or fails to comply with the provisions of this Part, or any regulations made thereunder shall be, upon conviction thereof, sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(2) All fines and other money imposed or collected under the provisions of this Part shall be paid into the City Treasury.

Part 4
Public Private Partnerships

[Adopted 5-14-2012 By Ord. No. 48-2012]

§ 396-401. Purpose.

The purpose of this Part is to authorize the City to enter into public private partnerships with private organizations for the maintenance of City parks. Nothing in this Part shall be construed as prohibiting the City from entering into such partnerships for the maintenance of other City facilities or for any other purpose authorized by Pennsylvania Statute, City Charter, or other law.

§ 396-402. Definitions.

For the purposes of this Part:

ORGANIZATION — An association, corporation or other entity having a formal structure.

PARK — Includes athletic fields, tennis courts, swimming pools, playgrounds or other park area, facility or group of such facilities under the control, maintenance and management of the City of Reading.

PUBLIC PRIVATE PARTNERSHIP AGREEMENT or AGREEMENT — Includes any contractual agreement or concession, or both, for the maintenance of a City park.

PUBLIC WORKS DIRECTOR — The Director of the City of Reading Public Works Department.

§ 396-403. Authorization.

A. The City Public Works Department may enter into a public private partnership agreement with an organization to maintain a City park or designated portion thereof.

B. Any organization selected to maintain a City park shall be selected pursuant to the procedures and requirements as outlined and contained in this Part.

§ 396-404. Public private partnership agreement.

A. An agreement shall be in the form as established by the City and shall contain:

(1) The name of the organization.

(2) The address of the organization.

(3) The name of the contact person within the organization.

(4) The address of the contact person.

(5) The phone number of the contact person.

(6) The name of the park/playground/facility.

(7) The maintenance to be performed.

(8) The maintenance schedule.

B. A public private partnership agreement entered into between the City and an organization pursuant to this Part shall expressly provide that:

(1) The supervision and control over the maintenance of the park rests with the City and any structural or landscaping modifications to the park and any structure therein is prohibited without the prior consent of the City;

(2) The City shall have the right to terminate the agreement at the City's sole discretion if the organization is not satisfactorily performing its maintenance responsibilities or complying with any provision of the agreement;

(3) The park shall remain open and be accessible to all members of the public during park hours;

(4) No fees may be charged for the use of the park or any facility therein other than the fees established by ordinance;

(5) The agreement does not constitute a lease; and

(6) The agreement shall conform and be subject to all applicable ordinances and policies of the City, the rule-making authority of the City's departments and any trust requirements, restrictions or conditions.

§ 396-405. Qualifications of organizations.

A. The City shall specify the minimum qualifications of an organization and its officers and employees, including previous experience in maintaining a park or comparable facility, the organization's financial stability including funds available to the organization, a business plan indicating how it will fund the maintenance of the facility, and any other factors that indicate its ability to adequately maintain the park.

B. The purpose of the organization shall be consistent with the maintenance of the park for public benefit.

§ 396-406. Notice to Council.

Prior to executing an agreement for a public private partnership pursuant to this Part, City Council shall approve said agreement via ordinance/resolution which shall include a copy of the agreement.

Part 5
Memorial Structures On Public Property

[Adopted 11-12-2013 By Ord. No. 55-2013]

§ 396-501. Evaluation of proposed monuments, statuary, markers and plaques.

A. Any organization or entity wishing to place upon public property any artwork, artwork installation, monument, statue, marker or plaque (the memorial structure) for the purpose of memorializing an individual, group, or event, shall submit such proposal to the Director of Public Works.

B. A Memorial Review Committee (the MRC) shall have the responsibility of reviewing each such proposal. The Committee shall be composed of the Historic Preservation Specialist, a City Planner, the Public Works Operations Division Manager, the City Clerk and the Director of the Berks County Office of Veterans Affairs. The Director of Public Works shall appoint a MRC Chairperson from the membership.

C. The MRC shall provide a written evaluation of each proposal based on the following factors: the suitability of the proposed location of the memorial structure; the appropriateness of the design thereof; the appropriateness and anticipated longevity of the proposed material comprising the memorial; the proposers' plan and ability for long-term maintenance and upkeep of the memorial; and provisions for insuring the memorial against damage, vandalism and disrepair. In addition, if the proposed location of a memorial structure has been subject to a master- or comprehensive-planning initiative, the proposed memorial should be in comport with any such valid plan. The MRC shall provide this written evaluation to City Council with a recommendation.

D. At its discretion, the MRC may request the approval for or advice of a proposed memorial structure from the Planning Commission.

E. Any proposed memorial structure located within or immediately adjacent to a designated historic or conservation district shall be subject to the advance approval of the Historic Architectural Review Board.

F. Approval of the placement or relocation of any memorial structure shall require the approval of City Council.

§ 396-502. Maintenance of existing memorial structures.

A. It shall be the policy of the City of Reading that the maintenance and upkeep of any memorial structure shall be the responsibility of the entity placing such approved structure on public property. A plan for the perpetual care thereof shall be specified in a memorandum of understanding to which the Director of Public Works shall be a party.

B. In the event a memorial structure falls into disrepair and is not promptly repaired, at the sole discretion of the Director of Public Works, the City may remove such structure and dispose of it.

C. The MRC shall have purview over existing memorial structures and may promulgate policies and programs that encourage their perpetual care, upkeep and repair with little or no public expense.

§ 396-503. Moratorium.

The Council of the City of Reading places a moratorium on the placement of any additional memorial structure on public lands. The moratorium shall commence on December 1, 2013, and shall continue until such date when the Council may choose to rescind this section.

Chapter 403

PAWNBROKERS

§ 403-101. Report of articles in pawn or purchased.
§ 403-102. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 12-24-1913 by Ord. No. 18a-1913 (Ch. 13, Part 13, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 339.

STATE LAW REFERENCES

Pawnbrokers Licences Act — See 63 P.S. § 281-1 et seq.

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§ 403-101. Report of articles in pawn or purchased.[1]

All pawnbrokers, junk dealers and dealers in secondhand goods shall make out and deliver to the Chief of Police, at his office, every day before the hour of 10:00 a.m., or upon demand, a legible and accurate report of all articles taken in pawn or purchased during the preceding day. Such report shall contain an accurate description of all articles taken in pawn or purchased, together with the amount loaned on or paid for such articles.

§ 403-102. Violations and penalties. [Amended 8-24-1983 by Ord. No. 32-1983; 5-29-2001 by Ord. No. 14-2001]

Any person, firm or corporation who shall violate any provision of this chapter shall be, upon conviction thereof, sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

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1. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

Chapter 410

PEDDLING AND SOLICITING

PART 1
Transient Retail Merchants

§ 410-101. License required.
§ 410-102. Definitions.
§ 410-103. License application.
§ 410-104. Investigation and license issuance.
§ 410-105. Bond.
§ 410-106. Service of process.
§ 410-107. License to be displayed.
§ 410-108. License fees; expiration.
§ 410-109. License transfer.
§ 410-110. Exceptions.
§ 410-111. Loud noises and speaking devices.
§ 410-112. Enforcement by police.
§ 410-113. Records and complaints.
§ 410-114. License revocation.
§ 410-115. Appeals.
§ 410-116. Violations and penalties.

PART 2
Canvassing and Soliciting

§ 410-201. Purpose.
§ 410-202. Definitions.
§ 410-203. Permit requirements.
§ 410-204. Responsibility for payment of taxes.
§ 410-205. Appeals.
§ 410-206. Violations and penalties; enforcement.
§ 410-207. Exemptions.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 339.

Sales — See Ch. 453.

STATE LAW REFERENCES

Power to regulate and license transient retail merchants — See 53 P.S. § 37620 et seq.

Farmers, insurance business and sample sales exempted — See 53 P.S. § 37610 et seq.

PART 1

Transient Retail Merchants

[Adopted 1-14-1953 by Ord. No. 62-1952 (Ch. 13, Part 3, of the 2001 Code of Ordinances)]

§ 410-101. License required.

No transient merchant, itinerant merchant or itinerant vendor as defined in § 410-102 shall engage in such business within the City without first obtaining a license therefor in compliance with the provisions of this Part.

§ 410-102. Definitions.

For the purpose of this Part, the following terms shall have the meaning indicated:

TRANSIENT MERCHANT, ITINERANT MERCHANT or ITINERANT VENDOR — Any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who in the furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad car, boat, hotel room, lodging house, apartment, shop or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that this definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. Any person, firm or corporation so engaged shall not be relieved from complying with the provisions of this Part merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer.

§ 410-103. License application. [Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Applicants for license under this Part shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the Administrative Services Director, showing:

A. The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it shall be carried on in the City; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons shall act, that is whether as proprietor, agent or otherwise; the name and address of the person, firm or corporation for whose account the business shall be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated.

B. The fingerprints of the person or persons having the management or supervision of applicant's business or in lieu thereof, at least three letters of recommendation from reliable property owners in the County of Berks, Pennsylvania, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the Administrative Services Director the good character and business responsibility of such person or persons.

C. The place or places in the City where it is proposed to carry on applicant's business, and the length of time during which it is proposed that such business shall be conducted.

D. The place or places, other than the permanent place of business of the applicant where the applicant within the six months preceding the date of such application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.

E. A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the City; the invoice value and quality of such goods, wares and merchandise; whether the same are proposed to be sold from stock in possession, from stock in possession and by sample, at auction by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where such goods or products are located at the time the application is filed.

F. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the Administrative Services Director, copies of all such advertising whether by handbills, circular, newspaper advertising or otherwise, shall be attached to the application as exhibits thereto.

G. Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor.

H. Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative.

I. Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the Administrative Services Director may deem proper to fulfill the purpose of this Part in the protection of the public good.

§ 410-104. Investigation and license issuance. [Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Upon receipt of such application, the Administrative Services Director shall cause such investigation of such person's or persons' business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the Administrative Services Director shall so certify in writing and a license shall be issued by the Administrative Services Director. The Administrative Services Director shall keep a full record in his office of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of such license, the place where the business may be carried on under such license and the names of the persons authorized to carry on the same.

§ 410-105. Bond. [Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Before any license, as provided by this Part, shall be issued for engaging in a transient or itinerant business as defined in § 410-102 in the City, such applicant shall file with the Administrative Services Director a bond running to the City in the sum of $1,000 executed by the applicant, as principal and by a corporate surety duly registered and qualified to do business in the Commonwealth of Pennsylvania; such bond to be approved by the City Solicitor, conditioned that the applicant shall comply fully with all of the provisions of the ordinances of the City and the statutes of the Commonwealth of Pennsylvania, regulating and concerning the sale of goods, wares and merchandise, and shall pay all judgments rendered against such applicant for any violation of such ordinances or statutes, or any of them. Action on the bond may be brought in the name of the City. Such bond shall be approved by the City Solicitor, both as to form, and as to the responsibility of the surety thereon.

§ 410-106. Service of process. [Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Before any license as herein provided shall be issued for engaging in business as an itinerant merchant, as defined in § 410-102, in the City, such applicant shall file with the Administrative Services Director an instrument nominating and appointing the Administrative Services Director, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service of notice or process for and on behalf of such applicant with respect to any matters connected with or arising out of the business transacted under such license and the bond given as required by § 410-105, or for the performance of the conditions of such bond or for any breach thereof, which such instrument shall also contain recitals to the effect that the applicant for such license consents and agrees that service of any notice or process may be made upon such agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the license under this Part, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the Administrative Services Director, as herein provided, the Administrative Services Director shall send to the licensee at his last known address, by registered mail, a copy of such process.

§ 410-107. License to be displayed.

The license issued under this Part shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for such license shall desire to do business in more than one place within the City, separate licenses shall be required for each place of business, and shall be posted conspicuously in each place of business.

§ 410-108. License fees; expiration. [Amended 12-22-1976 by Ord. No. 46-1976]

A. Licensees under this Part shall pay a fee of $50 per license for each month or fractional part thereof during which they engage in a transient business as defined by this Part.

B. Such fee shall be paid in advance prior to issuance of the license, and on the first day of each calendar month thereafter. All licenses issued under the provision of this Part shall expire on the last day of each calendar month unless renewed by payment of an additional fee of $50.

§ 410-109. License transfer. [Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

No license shall be transferred without written consent from the Administrative Services Director as evidenced by an endorsement on the face of the license by the Administrative Services Director showing to whom the license is transferred and the date of the transfer.

§ 410-110. Exceptions. [Added 5-29-2001 by Ord. No. 14-2001]

A. No license fee shall be charged:

(1) To farmers selling their own produce.

(2) For the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

(3) To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

(4) To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.

(5) To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.

(6) To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. § 162.1 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(7) For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

B. But all persons exempted hereby from the payment of the license fee shall be required to register with the Administrative Services Director and obtain a license without fee; provided, any person dealing in one or more of the above mentioned exempted categories, and dealing with other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this section for his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories. Provided, further, the Administrative Services Director may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares, or merchandise for the sole benefit of a nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to any person or persons engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain licenses for the applicants.

§ 410-111. Loud noises and speaking devices.

No licensee under this Part, nor anyone in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any other sound device including any loud-speaking radio or amplifying system

upon any of the streets, alleys, parks or other public places of the City or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

§ 410-112. Enforcement by police.

It shall be the duty of the police officers of the City to examine all places of business and persons in their respective territories subject to the provisions of this Part, to determine if this Part has been complied with and to enforce the provisions of this Part against any person found to be violating the same.

§ 410-113. Records and complaints. [Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

The Administrative Services Director shall deposit the record of fingerprints of licenses, together with a list of license numbers with the Chief of Police; the Chief of Police shall report to the Administrative Services Director any complaints against any person licensed under the provisions of this Part and any conviction for violation of this Part; the Administrative Services Director shall keep a record of all such licenses and of such complaints and violations.

§ 410-114. License revocation.

A. The licenses issued pursuant to this Part may be revoked by the Mayor after notice and hearing, for any of the following causes:[1]

   (1) Any fraud, misrepresentation or false statement contained in the application for license.

   (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise.

   (3) Any violation of this Part.

   (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.

   (5) Conducting the business licensed under this Part in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.

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1. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 410-115. Appeals. [Amended 6-30-1954 by Ord. No. 31-1954; 8-24-1983 by Ord. No. 34-1983; 5-29-2001 by Ord. No. 14-2001]

Any person aggrieved by the decision of the Administrative Services Director in regard to the denial of application for license as provided for in § 410-104 or of the Mayor in connection with the revocation of a license as provided for in § 410-114 shall have the right to appeal to Council. Such appeal shall be taken by filing with Council within 14 days after notice of the decision by the Administrative Services Director or by the Mayor has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. Council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in § 410-314 for notice of hearing on revocation. The order of Council on such appeal shall be final.

§ 410-116. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Any person, firm or corporation violating any of the provisions of this Part shall be, upon conviction thereof, sentenced to a fine not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day upon which any person continues to violate any provision of this article shall constitute a separate offense.

PART 2
Canvassing and Soliciting
[Adopted 5-12-2008 by Ord. No. 21-2008 (Ch. 6, Part 8, of the 2001 Code of Ordinances)]

§ 410-201. Purpose.

The purpose of this Part is to protect, maintain and enhance the public health, safety, and general welfare by regulating solicitation and canvassing. The citizens and visitors to the City of Reading are subject to unregulated solicitation and canvassing by sometimes questionable people and organizations in a hazardous manner and in vulnerable locations such as their own residence. It is the purpose of this Part to regulate solicitation and canvassing in the City of Reading to protect the public health, safety and welfare.

§ 410-202. Definitions.

The following words as used in this Part shall have the following meanings:

APPLICANT — The person or organization seeking a permit.

CANVASSING — The act of going from residence to residence throughout the City of Reading to solicit votes or orders; to conduct a survey (public opinion) or poll; or, to conduct an uninvited detailed discussion, whether on foot or by use of vehicle.

CHIEF OF POLICE — The Chief of the City of Reading Police Department or his designee.

ORGANIZER — The person responsible for organizing the solicitation or canvassing activity and whose name shall be on the application.

PERMIT — Written authorization dispensed by the Chief of Police or his designee which allows the solicitation and canvassing activity and specifies the given solicitation and canvassing period.

POLITICAL CANDIDATE — A person seeking or wanting to be considered for a political office including "write-in candidates."

RECOGNIZED YOUTH ORGANIZATION — A national, state or local youth group having specific structure, responsibilities and united for a particular purpose.

RESIDENCE — Includes every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

SOLICITATION — The act of going from residence to residence asking for donations of money; tickets for money and coupon books for money; or, selling items for money with or without the distribution by such Solicitor or canvasser of literature, samples, free gifts or other materials within the City of Reading and whether on foot or by use of vehicle.

SOLICITATION AND CANVASSING PERIOD — A period not to exceed seven calendar days.

§ 410-203. Permit requirements.

A. General. The City of Reading prohibits any person or organization from conducting solicitations and canvassing of residences without a permit. It shall be a violation of this Part to engage in solicitation and canvassing without a permit or otherwise not in accordance with the terms of this Part and the permit requirement.

B. Permit required. Every person, prior to engaging in activity as a solicitor or canvasser, whether acting on his or her own behalf, as principal, or as the employee or agent of another, shall apply for and obtain a permit as hereinafter provided:

(1) Application. All requests for a permit must be provided to the Chief of Police or his designee at least 10 business days but no more than 60 calendar days prior to the date of the requested activity. The Chief of Police or his designee shall issue a decision within three business days of the application being filed. The Chief of Police, for good cause shown, shall have the authority to consider any application under this section which is filed less than 10 business days before the date such event is proposed to be conducted, provided the Chief of Police or his designee shall have adequate time to conduct the investigation. An application and permit shall be required for each solicitation and canvassing period.

(2) Required information. All applications for permits must include at a minimum the following information and shall be signed by the organizer(s):

(a) Name(s). The name(s) of the person(s) making application for solicitation or canvassing within the City of Reading.

(b) Address. The permanent address and local address, if any, of each organizer.

(c) Physical features of applicant(s) including height, weight, age, sex, race, and social security number of each for background check purposes.

(d) Photocopy of driver's license or other official photo identification of each organizer.

(e) Description of the proposed solicitation or canvassing activity and purpose for activity (i.e., use of funds).

(f) Specific location(s) for solicitation or canvassing activity, including specific houses targeted, and number of Solicitors or canvassers at each such location.

(g) Dates and times of solicitation or canvassing activity.

(h) Names of all participants proposed to be solicitors or canvassers, and their ages. If any solicitors or canvassers are under 18, the names and addresses of adult supervisors; one adult supervisor per four solicitors or canvassers under age 18 is required.

(i) The application shall contain a statement that the submission of the application shall be considered to be consent by each organizer for a background check to be run by the Chief of Police at his discretion on any person named on the application and a statement that all information contained thereon is true and correct.

(j) Any additional information the Chief of Police may find reasonably necessary for a fair determination as to whether the proposed event will endanger public health, safety or welfare.

C. Investigation. The Chief of Police or his designee shall review the application for completeness and compliance with the terms of this Part. The Chief of Police shall check to

see if there are any records of complaints against the applicant in the records of the Police Department or the NCIC crime database system. The Chief of Police may, at his discretion, conduct a background check of the organizers. The Chief of Police may, at his discretion, make any other inquiries he deems necessary for the investigation of the applicant or the organizers.

D. Decision. The Chief of Police may grant, deny, or grant a restricted permit. The Chief of Police shall issue a permit as provided in this Part from a consideration of the application and from such information as may otherwise be obtained, unless he finds that any or all of the following apply:

(1) The applicant or any organizers or participants have any criminal complaints pending against them, or have a criminal record involving crimes of theft, fraud, or other moral turpitude.

(2) The Chief of Police has reason to believe that the request for the solicitation or canvassing activity is of a fraudulent nature.

(3) The conduct of the solicitation or canvassing activity is contrary to the public's health, safety or general welfare.

(4) The application was not complete, or the application or permits requested are not fully in compliance with the requirements of this Part. The Chief of Police shall indicate on the application review form all reasons for rejection of the application.

E. Location and times.

(1) Prohibited times. No solicitation or canvassing shall be allowed before 9:00 a.m. or after 7:00 p.m., Sunday through Saturday.

(2) Locations. Solicitation and canvassing shall be permitted in all areas where residential use is permitted.

(3) Duration. A solicitation or canvassing activity may last no longer than seven days. A separate permit shall be required for each additional solicitation and canvassing period.

F. Permit. The Chief of Police shall indicate on the permit the permitted activities, locations, and duration of the permit. The Chief of Police may approve a smaller or shorter duration than requested; may reduce the number of solicitors or canvassers; may approve a different location; or, may generally make any other adjustments he believes necessary to the application to serve the public health, safety and welfare. The signed permit is to be kept on-site and in the possession of all organizers at all times that solicitation or canvassing is underway. If multiple locations are involved, a permit copy shall be kept at each location by each organizer. Permits shall be displayed at the request of any citizen or law enforcement personnel.

G. Non-content-based review. The content of the message of any applicant, their beliefs, the identification of the participants, or any other matter which does not directly impact on the public health, safety, and welfare, shall not be relevant to the determination of whether to grant or deny a permit.

H. Special requirements.

(1) There shall be no physical contact by the solicitor or canvasser with anyone being solicited or canvassed without the person's consent. This shall be deemed to include not only physical force or restraint but also the act of placing objects on the person or clothing of the solicitee.

(2) Solicitors and canvassers shall not occupy a fixed location on any public sidewalk or street. There shall be no interference with or blocking of movement or any pedestrian or vehicle by any solicitor or canvasser.

(3) A solicitor or canvasser shall not be permitted to make or cause to be made any loud noise to attract attention or for any other purpose. Such noises may include, but shall not be limited to, shouting, use of loud speakers, horns, drums, musical instruments or other sound devices.

(4) A solicitor or canvasser who is conducting such activity on private property, which is not open to the public, shall immediately leave such premises on request of any lawful occupant thereof.

§ 410-204. Responsibility for payment of taxes.

It shall be the responsibility of every solicitor or canvasser given a permit under this Part to pay to the City of Reading Tax Administration the proper taxes, including business privilege and income taxes, for himself or any employee on income earned as a result of the soliciting or canvassing.

§ 410-205. Appeals.

A. Appeals. Any person aggrieved by the denial or restriction of a permit shall have the right to appeal the denial or restriction to the City of Reading City Council. A written appeal shall be filed with the City Clerk within 10 days after the denial or restriction is received.

B. Procedure. The Chief of Police shall appear and present his case and evidence as to why the application was denied. The applicant shall have the opportunity to present his or her case and evidence in support of the application. The hearing shall be conducted as a evidentiary proceeding.

C. Standard of review. City Council, keeping in mind the purpose of this Part, the substantive provisions, and giving deference to the judgment of the Chief of Police, shall make a determination as to whether the denial or restriction was lawful and in the interests of the public health, safety and welfare, or whether the permit should be issued or modified. If the latter, City Council shall enter an order providing guidance as to the location, time, persons, and other criteria of this Part. City Council shall render a decision within 10 days after the hearing.

§ 410-206. Violations and penalties; enforcement.

A. Revocation of permit. The Chief of Police or his designee is hereby authorized to revoke a permit issued under this Part under the following circumstances:

(1) If the organizer is convicted of a felony during the solicitation and canvassing period.

(2) If the Chief of Police or his designee determines that the goods or items being sold or distributed are unsafe, harmful or misrepresented to the public.

(3) If it is determined that the organizer has given false information on the application.

(4) If the organizer fails to abide by any of the provisions of this Part.

(5) If the Chief of Police becomes aware of illegal or unauthorized activity and the revocation of said permit is required in the best interests of public health, safety and welfare.

B. Persons soliciting without a permit or in violation of the permit shall be cited with a citation for prosecution in the Magisterial District Judges Court, in accordance with the requirements of law for such citations. All City of Reading police officers are authorized to issue such citations.

C. Any person, organization, business or entity in violation of the provisions of this Part is subject to a fine of up to $300 per day per violation per individual participant. The minimum fine shall be $50 per day per violation per individual participant.

D. Any person, organization, business or entity found guilty of violating this Part may not be issued a permit for a two-year period from the date of the violation. Upon second offense, the person, organization, business or entity found guilty of violating this Part shall be banned from further solicitation or canvassing in the City of Reading.

E. The City Solicitor shall be authorized to seek injunctive relief and other relief in a court of competent jurisdiction if necessary to effectuate the intent of this Part. The City of Reading shall be entitled to seek civil fines in the amounts specified above and shall be entitled to its attorney's fees for any successful action.

§ 410-207. Exemptions.

This Part shall not apply to recognized youth organizations including school sponsored clubs; canvassing conducted by political candidates for public office, their workers or representatives from political parties; solicitation of donations by mail, either the solicitation of money or canvassing, as otherwise defined herein, from personal acquaintances of the person engaging in the activity, persons who solicit for or on behalf of religious organizations, or in pursuit of religious beliefs and activities. A permit is not required for any solicitation or canvassing activity sponsored or conducted by City of Reading or its departments and agencies, nor by any municipality or government agency in the City, such as firefighter or police department fund-raisers or other similar collections.

Chapter 424

POLES

§ 424-101. Purpose.
§ 424-102. Short title.
§ 424-103. Definitions.
§ 424-104. Prohibited installations.
§ 424-105. Pole permit applications.
§ 424-106. Pole permits.
§ 424-107. Condemnation reports.
§ 424-108. Notice of condemnation; service.
§ 424-109. Failure to comply with condemnation notice.
§ 424-110. Prosecution for failure to comply.
§ 424-111. Removal of condemned equipment.
§ 424-112. Recovery of removal expenses.
§ 424-113. Emergency removal.
§ 424-114. Enforcement and inspection.
§ 424-115. Resisting or obstructing inspection.
§ 424-116. Inspectors identification.
§ 424-117. Appeals.
§ 424-118. Regulations.
§ 424-119. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 11-22-1939 by Ord. No. 39-1939 (Ch. 13, Part 12, of the 2001 Code of Ordinances). Amendments noted where applicable.]

STATE LAW REFERENCES

Requiring underground electric wires — See 53 P.S. § 37403(50).

Power to license utility companies — See 53 P.S. § 37601.

Streetlighting — See 53 P.S. § 38576.

Attaching metal or hard substance to utility poles — See 18 Pa.C.S.A. § 6905.

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§ 424-101. Purpose.

The purpose of this chapter is to provide for the welfare, protection and safety of the people of the City.

§ 424-102. Short title.

This chapter shall be known and may be cited as the "Pole Code."

§ 424-103. Definitions. [Amended 5-29-2001 by Ord. No. 14-2001]

The words defined herein shall include the singular or the plural meanings or both. As used in this chapter, certain terms are defined as follows:

ANCHOR GUY — A wire, cable, chain or rod used as a support for a pole or stub and which is attached to an anchor buried below the surface of the ground.

CHIEF ELECTRICIAN — The Public Works Director or his designee.

EQUIPMENT — All of the subjects regulated in this chapter.

GUY or GUY WIRE — A wire or cable used to support a pole, fixture, or other wire, and includes span wire, but does not include anchor guys.

GUY HOOK or EYEBOLT — A hook or eyebolt attached to a building and to which is attached a guy or any electric or communication wire except such wires supplying service to the occupants of the building.

H-STRUCTURE or H-RACK — A framework of two or more legs which supports one or more "transformers" or "load coils" or "load pots" and for the purpose of this chapter, each leg of such structure or rack shall be deemed a pole.

PERSON — Any individual, firm, partnership, corporation or association, and any servant, agent, assistant, employee or representative thereof.

POLE — A support for electric, communication or signal wire, planted in the ground or in any foundation planted therein, or fastened to a pole reinforcing stub or the surface of the ground or any paving thereon.

POLE or APPURTENANCE — A pole, guy stub, H-structure, guy hook, or push brace or any or all of them.

POLE INSPECTOR — Any Pole Inspector of the Department of Public Works.

POLE PERMIT — The permit issued for any of the work regulated by this chapter.

PUSH BRACE — A brace attached directly to a pole in lieu of an anchor guy or stub and guy.

SPAN WIRE — A guy used to support trolley wire, and shall include cross span and curve span wire.

STUBS —

A. POLE-REINFORCING STUB — A patented device, iron, or wood support planted at the base of a pole and lashed to it for the purpose of prolonging the life of the pole.

B. GUY STUB — A pole used solely for the purpose of supporting any other pole, or wire, attached to it by a guy.

STREET — The sidewalk and the roadway area of any way open to the use of the public as a matter of right.

WIRE — Communication, signal and electric wires or all of them.

§ 424-104. Prohibited installations.

A. No person shall set up, maintain or replace any pole for the purpose of conveying electricity by means of wires strung thereon where such wires are required by ordinance to be placed underground in conduits.

B. No person shall install or replace any anchor guy, or pole reinforcing stub for the support of any pole or guy stub on any street or alley within the corporate limits of the City, wherever other practicable construction is possible.[1]

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1. **Editor's Note: Original § 13-1205, Application for annual permits, as amended 5-29-2001 by Ord. No. 14-2001, and § 13-1206, Annual permits, which immediately followed this section, were repealed during codification (see Ch. 1, General Provisions, Part 2).**

§ 424-105. Pole permit applications. [Amended 5-29-2001 by Ord. No. 14-2001]

A. Any person desiring to erect a new pole or appurtenance or to remove, replace or relocate an existing pole or appurtenance or to place on, or replace any guy now upon a tree or to remove an anchor guy or pole reinforcing stub in or upon any public or private street or alley within the City shall make an application for a pole permit to the Director of Public Works.

B. The application shall set forth:

(1) Name and address of the applicant.

(2) An exact description of the location at which the new installation, removal, replacement or relocation is to be made, or of the tree to be used.

(3) If a relocation, the point from which the pole or appurtenance is being removed.

(4) The identifying number and size or description of all the poles or appurtenances or other things concerned in the application.

(5) If a new pole is to be erected, or a pole relocated, or a tree is to be used as a guy stub, in, upon, or along a street, a statement shall be made that the owner or occupant of the abutting property has been notified of such intention.

(6) Such other pertinent information as may be required by the Public Works Director.

(7) An agreement that if the permit is issued:

(a) The City may install fire and police telegraph equipment on the pole if located in any street or alley.

(b) The work shall be done as stated.

(c) The pole or appurtenance shall not be placed at any point different from that indicated in the application.

(d) Any other required permits shall be obtained.

C. Applications shall be numbered serially as received and shall be made in four copies and disposed of as follows:

(1) The original of every application shall be retained in the Department of Public Works as a permanent record. Upon this copy shall be noted such facts as will indicate the disposition of the application, over the signature of the Director of Public Works.

(2) One copy each shall be sent immediately to the Director of Public Works.

(3) A copy shall be retained by or given to the applicant.

(4) Procedure before approval:

(a) Upon the filing of an application, the Pole Inspector shall inspect the location of the proposed work within two days and make written report on the application to the Director of Public Works.

(b) If the application is for a new location, the Pole Inspector shall interview the owner or occupant of the property upon which or abutting the street upon which the proposed work is to be done, and determine if the required notice was given by the applicant, and if there is any objection thereto, inform the owner or occupant of the procedure for making objection, if any, and shall endorse on the original application, the substance of the interview.

(c) When the application is for a guy hook, the Public Works Director shall request the Building Inspector to inspect the location and report to him, which report shall be endorsed upon the application before its return to the Director of Public Works.

(d) Upon receipt of a copy of an application, the Director of Streets and Public Improvements shall determine, or cause to be determined, if the proposed work or the location thereof conflicts with work or plans of his department, or will interfere with any municipal service or structure, and shall report thereon in writing to the Director of Public Works within three days.

(e) In the case of an application to do work upon City-owned or -used property, no permit shall be issued until Council has by resolution consented thereto.

(f) If the owner or occupant of the property on which or abutting the side of the street upon which the proposed work is to be done or any of the officials of whom a report is required objects thereto, the Director of Public Works shall hear the objection and the report of the Public Works Director thereon. If the objection is not then withdrawn the application, with written report of objections thereto, shall be presented by the Director of Public Works to the next regular meeting of Council, whose decision shall be final.

(g) If no objections are made, or if all objections are withdrawn the Director of Public Works may approve the application without action by Council except as provided in Subsection C(4)(e) hereof.

§ 424-106. Pole permits. [Amended 5-29-2001 by Ord. No. 14-2001]

A. No person shall erect a new pole or appurtenance, or remove, replace or relocate an existing pole or appurtenance, or replace a guy wire upon a tree, or remove an anchor guy or pole reinforcing stub in or upon any public or private street or alley, without having obtained a pole permit and such other permits as may be required by any other ordinance, except, as herein provided, in the case of an emergency when such permit shall be obtained as promptly as possible.

B. It shall be a separate violation of this chapter for any person to permit or direct any employee, subordinate or other person under his supervision to do any of the things prohibited in Subsection A hereof without having obtained all the required approvals and permits and given such permits or proper evidence thereof to the person immediately in charge of those doing the work.

C. No pole permit shall be issued to any person for the erection of poles or appurtenances, or wires, unless all permissions and franchises required for the erection and maintenance thereof have been obtained.

D. Upon approval of an application for permission to remove, replace or relocate an existing pole or appurtenance, guy wire, anchor guy or pole-reinforcing stub, no fee pole permit shall be issued by the Public Works Director.

(1) In the event of a replacement or relocation, such permit shall act as a transfer of the annual permit as to the pole or equipment replaced.

(2) In event of a removal, such permit shall act as a cancellation of the annual permit as to the pole or equipment removed.

E. Upon approval of an application for any other work for which a permit is required under this chapter, a permit shall be obtained by paying to the City Treasurer the proper fee as hereinafter listed.

F. Work for which permits have been obtained shall be done within 60 days of the date of the permit. If not performed within that period, the permit shall expire and a new permit obtained. However, the Director of Public Works shall have authority to extend the effective period of any permit for one period of 60 days, if in his opinion such extension is justified, and he so endorses the permit.

G. There shall be no transfer of permits except as provided in this section.

H. No person shall alter a permit, or use a permit for work not included in the application upon which the permit was issued.[2]

§ 424-107. Condemnation reports. [Amended 5-29-2001 by Ord. No. 14-2001]

The Public Works Director shall have the power and is hereby directed to:

A. Condemn any unsafe, damaged, dangerous or defective pole or appurtenance, pole-reinforcing stub, anchor guy or a guy attached to a tree, or a tree used in lieu of a pole or as an anchor stub, street or traffic light standard, or any wood or metal post or metal pipe supporting a lighting fixture, in or upon any public or private street, lane, or alley, and report such condemnation to the Director of Public Works.

(1) If a private streetlight, he shall send a copy of the condemnation report to the Director of Public Works.

(2) If a streetlight owned by any person supplying streetlighting to the City, he shall send a copy of the condemnation report to the Director of Public Works.

(3) If a traffic light standard, he shall send a copy of the condemnation report to the Mayor.

B. Make a written report to the Director of Public Works of all unused poles or appurtenances, pole-reinforcing stubs, anchor guys and guys attached to trees.

C. Keep copies of all reports he may make pursuant to the provisions of this section.

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2. Editor's Note: Original § 13-1208, Pole permit fees, which immediately followed this section, was repealed during codification (see Ch. 1, General Provisions, Part 2).

§ 424-108. Notice of condemnation; service. [Amended 5-29-2001 by Ord. No. 14-2001]

On receipt of a condemnation report, the Director of Public Works shall have prepared a notice of condemnation which shall set forth the identification number, if any, and location of the condemned pole or other equipment and direct its removal, repair or replacement at the option of the owner thereof. Notice shall be signed by the Director and served by a Pole Inspector upon the owner, if an individual or, if a corporation, upon the individual officer thereof, named in the application for an annual permit, as authorized to receive and accept service of any notice under this chapter, or if no annual permit has been issued for such condemned equipment, by posting a copy upon the equipment. Proof of service shall be made under oath or affirmation before the City Clerk, and filed in the office of the Public Works Director.

§ 424-109. Failure to comply with condemnation notice.

No owner or the authorized representative thereof in charge of maintenance, of any condemned pole or other equipment regulated by this chapter shall fail or neglect to remove, repair or replace the same within 20 days after service of a notice of condemnation as provided in § 424-111.

§ 424-110. Prosecution for failure to comply. [Amended 5-29-2001 by Ord. No. 14-2001]

In the event of failure of the owner of any condemned pole or equipment to remove, repair or replace the same within 20 days after service of a notice of condemnation as provided in § 424-111, the Public Works Director shall institute a prosecution for violation of this chapter against the owner, if an individual, or if other than an individual, against the authorized representative thereof in charge of maintenance.

§ 424-111. Removal of condemned equipment. [Amended 5-29-2001 by Ord. No. 14-2001]

If prosecution as provided in § 424-113 does not result in compliance within 15 days thereafter, the Public Works Director shall have the condemned pole or equipment removed, repaired or replaced.

§ 424-112. Recovery of removal expenses.

A. In the event removal, replacement or repair is made pursuant to the provisions of § 424-114, the cost of such work, including the restoration of the surface of the street or pavement and all permit fees, shall be charged to and be recovered from the owner of the condemned pole or other equipment by suit in the name of the City to recover such costs and amount expended, as debts of like amount are now recoverable by law.

B. For the purpose of collection of costs, the person who, at the time of condemnation, holds the annual permit for the condemned pole or other equipment shall be deemed to be the owner.

§ 424-113. Emergency removal.

Poles or appurtenances or light standards made defective by fire, flood, storm or accident shall be removed, repaired or replaced by the owner within a reasonable time which in no event shall exceed 30 days. Failure to do so shall be a separate violation of this chapter.

§ 424-114. Enforcement and inspection. [Amended 5-29-2001 by Ord. No. 14-2001[3]]

The Public Works Director is hereby authorized and empowered, for the purpose of inspection and to enforce the provisions of this chapter or any other applicable ordinance:

A. To enter any place as often as they or any of them deem necessary wherever poles or other equipment are erected or maintained or a tree is being used as a pole or anchor guy or where an application has been made to erect, replace, relocate or remove a pole or other equipment or to use a tree as a guy stub.

B. To inspect any pole or other equipment, so located that its collapse will endanger the safety of any person.

§ 424-115. Resisting or obstructing inspection. [Amended 5-29-2001 by Ord. No. 14-2001[4]]

No person shall willfully resist, obstruct, abuse or interfere with the Public Works Director engaged in the execution of his duties.

§ 424-116. Inspectors identification. [Amended 5-29-2001 by Ord. No. 14-2001[5]]

A. The Public Works Director shall wear or carry a badge or other identification while in the performance of his official duties.

B. No person, except the Public Works Director, shall have in his possession, keep, or use any equipment, mark or badge provided for and used by the Public Works Director.

C. The Public Works Director shall be furnished with all supplies necessary to make inspections efficiently.

§ 424-117. Appeals. [Amended 5-29-2001 by Ord. No. 14-2001]

Any person aggrieved by an act or decision of the Public Works Director may appeal in writing within seven days thereafter to Council, the decision of which shall be final. Pending action by Council the act or decision of the Director of Public Works shall remain in effect, but no penalty shall be inflicted upon the appellant.

§ 424-118. Regulations. [Amended 5-29-2001 by Ord. No. 14-2001]

Poles or appurtenances, guys, and wires as defined herein shall be erected, maintained and replaced in accordance with the following rules and regulations:

A. Regulation 1. Making poles or appurtenances.

   (1) Rule 1. Every pole, guy, stub and H-structure shall at all times be legibly marked or labeled with the name or initials of the owner thereof and an identifying number.

B. Regulation 2. Poles and guy stubs.

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3. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
4. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
5. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

(1) Rule 1. Poles. The wire span between poles shall not be more than 200 feet except with the consent of the Public Works Director.

(2) Rule 2. No pole or guy stub smaller than a Class 10 pole may be used at any place for the support of any wire, except for the support of wires from a distribution pole leading to a structure to whose occupants such wires provide service and when such wires are in such locations known as "fence post runs," a twelve-foot pole of less strength than a Class 10 pole may be used; provided such wires and poles do not cross or are not located on any street or any place to which the public is permitted access. "Class 10 pole" means a creosoted southern pine pole, 16 feet long with an approximate circumference of 14 inches measured at a point six feet from the butt with strengths equivalent to those established for Class 10 poles by the United States Bureau of Standards, or any other wood or metal pole, equivalent in strength to such specification for creosoted southern pine.

C. Regulation 3. Guying and anchoring.

(1) Rule 1. Guys hereafter erected, repaired or replaced shall not be attached to any point less than eight feet above the ground.

(2) Rule 2. Before work begins on the demolition or reconstruction of any building or structure, any part of which provides support for poles or appurtenances, wire or guys the contractor or person in charge of the building, structure, or work shall notify the Public Works Director. Any temporary support which may be provided for such pole or appurtenance, wire or guy shall meet the approval of the Public Works Director. Before a permanent support is installed, a relocation permit shall be obtained as provided hereinbefore.

D. Regulation 4. Overhead wires.

(1) Rule 1. No communication wire or guy, except span wire or service wires to a building, shall be strung across a street at less than 18 feet from the ground measured at the point at which it is closest to the ground.

(2) Rule 2. No electric wire, except service wires to a building, shall be strung across or along a street at less than 24 feet from the ground measured above.

(3) Rule 3. On "joint use" poles, wherever possible, telephone and telegraph wires and cables shall take the lowest position, electrified wire the highest position, and police telephone and telegraph and fire alarm wires of the City shall take the middle position. However, this shall not apply to poles erected or maintained by permission granted by franchise which reserves the highest cross arm for wires of the City, except, that upon the filing of a written acceptance of this provision with the City Clerk, by the owners of any such franchises, the franchise shall be deemed to be amended accordingly.

E. Regulation 5. Transformers and H-structures.

(1) Rule 1. On any street, transformers or loading coils on single poles shall be so constructed that no transformer or loading coil, cross bar of any H-structure used to support transformers or loading coils shall be closer to the ground than 15 feet.

§ 424-119. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Whoever violates or fails to comply with any provisions of this chapter, or any order, regulation or rule made thereunder, shall be, upon conviction thereof, sentenced to a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. This shall be in addition to any liability imposed by any other section hereof. All fines and other money imposed or collected under the provisions of this chapter shall be paid into the City Treasury.

Chapter 431

PROPERTY SALES

Part 1
Certification of Legal Use and Zoning Classification

§ 431-101. Adoption of state law regarding illegal use of property.

Part 2
Certificate of Transfer

§ 431-201. Declaration of purpose.
§ 431-202. Definitions.
§ 431-203. Certificate of transfer required.
§ 431-204. Health and safety inspection procedure.
§ 431-205. Fees.
§ 431-206. Health and safety inspection report.
§ 431-207. Report findings.
§ 431-208. Health and safety compliance letter and rental compliance letter; extensions.
§ 431-209. Permits for corrective work.
§ 431-210. Nonexclusive inspection.
§ 431-211. Enforcement.
§ 431-212. Regulations and forms.
§ 431-213. Exemptions.
§ 431-214. Violators subject to charge of summary offense.
§ 431-215. Penalties.
§ 431-216. Other causes of action.
§ 431-217. Liability of City, buyer and inspector.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 180, Parts 13 and 14.

Housing — See Ch. 308.

Zoning — See Ch. 600.

STATE LAW REFERENCES

Use registration permits — See 21 P.S. § 611 et seq.

Part 1
[Adopted 2-14-2011 By Ord. No. 6-2011]
Certification Of Legal Use And Zoning Classification

§ 431-101. Adoption of state law regarding illegal use of property.

The City of Reading hereby adopts the provisions set forth in 21 P.S. § 611 to and including 21 P.S. § 615, Use Registration Permits.

Part 2
Certificate Of Transfer

[Adopted 5-29-2012 By Ord. No. 61-2012]

§ 431-201. Declaration of purpose.

A. The City of Reading City Council desires to establish certain rules and regulations related to the transfer of property within the City and requiring the receipt of a Certificate of Transfer from the City of Reading and a post-settlement inspection for all City of Reading residential, nonresidential and mixed-use properties. The City Council finds that the establishment of this program for all City residential, nonresidential, and mixed-use properties is necessary to protect the public health, safety, and welfare by ensuring the proper maintenance of all City properties, by identifying and requiring correction of substandard conditions, and by preventing conditions of deterioration and blight that could adversely affect economic conditions and the quality of life in Reading.

B. The fees assessed in this Part shall be revenue neutral and will only cover the cost of the program. The fees shall be reviewed against the cost of the program annually and recommendations for adjustments shall be referred by ordinance to the City of Reading City Council.

C. Nothing in this Part shall preclude the buyer from seeking legal recourse against the seller, or the seller's agent, where applicable, within the Pennsylvania Court system.

§ 431-202. Definitions.

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

AGENT — Any person who for monetary or other consideration aids a seller in the sale of property. Whenever used in any clause prescribing or imposing a penalty, the term "agent," as applied to partnerships and associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof.

AGREEMENT — Written agreement or written instrument executed by the seller prior to transfer or the buyer after transfer of the property which provides the City with the ability to perform a health and safety inspection.

BUYER — An individual who acquires legal or equitable title pursuant to an agreement of sale.

CERTIFICATE OF TRANSFER — The certificate issued by the City of Reading to the owner of a property that documents that the property is permitted for the use indicated on the certificate and is based on the property's compliance with the applicable City of Reading ordinances, including but not limited to Chapter 600, Zoning, and Chapter 308, Housing. The certificate of transfer does not indicate compliance with the City of Reading Property Maintenance Ordinance.[1]

CERTIFICATE OF TRANSFER PACKET — Packet given by the City indicating approved use, rental housing information, and other relevant City documentation.

CITY INSPECTOR — An employee or contractor engaged by the City of Reading to do, among other things, health and safety inspections.

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1. **Editor's Note: See Ch. 180, Parts 13 and 14.**

DAYS — Calculation of days in this Part shall be by calendar days unless otherwise noted in this Part. If the expiration of the day is on a Saturday, Sunday or holiday, the deadline shall be extended until the next business day.

DEFICIENCIES — Those items indicated on a health and safety inspection report that require repair, remediation or corrective action and/or are hazardous conditions.

DWELLING UNIT or UNIT — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAILURE TO APPEAR — A failure to appear as described below includes inspection cancellations, no-shows and no-entries into all units.

HEALTH AND SAFETY COMPLIANCE LETTER — A letter, correspondence or document issued by the City of Reading Property Maintenance Division stating that the requirements of this Part and the minimum habitability requirements set forth herein have been satisfied and any founded deficiencies have been corrected.

HEALTH AND SAFETY INSPECTION — An inspection to determine the condition of a property in accordance with such standards of minimum habitability and safety as shall be determined by the Property Maintenance Division.

HEALTH AND SAFETY INSPECTION REPORT — A report issued by a City Inspector setting forth the results of a health and safety inspection which shall include the designation of such conditions as shall require repair or remediation and any hazardous conditions for the current use of the property.

INDIVIDUAL — Any person, partnership, association, corporation or other entity.

INSPECTION REQUEST — A request for performance of a health and safety inspection other than an agreement submitted by a buyer at the time of transfer of the property.

LOT — A measured parcel of land having fixed boundaries and designated on a plot or survey owned or meant to be owned by an individual, group or corporation, whether used for commercial or private use, and may consist of one or more parcels. **[Added 12-10-2012 by Ord. No. 125-2012]**

MIXED COMMERCIAL/RESIDENTIAL PROPERTY — A property, building or structure in which part is used for residential purposes, and another part is utilized for commercial purposes. Also referred to as "mixed residential/commercial property" or "mixed use – commercial/ residential" or "mixed use – residential/commercial."

MULTIUNIT DWELLING — A building arranged, designed, and intended to provide two or more dwelling units. Individual dwelling units may share party walls with other units and either have common outside access areas or have individual outside access areas. Types of such buildings shall include, but shall not be limited to, townhouses, apartments, and/or condominiums.

NOTICE OF VIOLATION — A written notice issued by the Property Maintenance Division directing any repair or remediation, corrective or other action relating to any deficiencies as set forth in a report that may include a time frame within which any such action must be taken.

OWNER — Entity or individual(s) that have an enforceable claim or title to an asset or property, and is recognized as such by law. For example, a lender is the legal owner of a property.

PROPERTY — All residential, mixed residential/commercial buildings, structures or real estate within the City of Reading, any and all building(s) or other improvement(s) and the land on which the buildings and improvements are situated. **[Amended 12-10-2012 by Ord. No. 125-2012]**

PROPERTY MAINTENANCE CODE — For the purpose of establishing rules and regulations for the maintenance of all structures, including administration, enforcement and penalties, the property maintenance code known as the International Property Maintenance Code, 2012 Edition, as published by the International Code Council, and adopted by the City of Reading City Council as deleted, modified or amended. From the date on which this Part shall take effect, the provisions thereof shall be controlling in the maintenance of all structures, and in all other subjects therein contained, within the corporate limits of the City of Reading, Pennsylvania, as per Chapter 180, Part 14, International Property Maintenance Code, of the Code of the City of Reading.

PROPERTY MAINTENANCE DIVISION — The City of Reading Property Maintenance Division.

RENTAL COMPLIANCE LETTER — A letter or document issued by the City of Reading Property Maintenance Division upon finding and stating compliance with the applicable City of Reading Codified Ordinances following performance of a rental inspection.

ROOM or ROOMING UNIT — Any room, area or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes or independent living.

ROOMING HOUSE — A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling, excluding hotels and motels.

SALE — The transfer of any legal or equitable interest in or title to property, including exchanges of properties with or without monetary consideration.

SELLER — The owner or his authorized agent or appointee of the property that will be transferred or sold.

SETTLEMENT — The culmination of a particular transaction involving real property that results in the transfer or conveyance of a property from one party to another.

SINGLE-FAMILY DWELLING — A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A single unit may be incorporated within a series of row homes sharing a common firewall. Types of such buildings shall also include mobile and modular units.

STRUCTURE(S) — Any man-made object, including a building, radio or television tower, fences, walls, carports, porches and decks, and permanent signs, constructed or erected on or in the ground or water or upon another structure or building and having an ascertainable stationary location. The term "structure" shall not include walks, sidewalks or driveways.

VACANT PROPERTY — A residential or mixed use (residential and other permitted use) property shall be deemed to be a "vacant property" if it is continuously unoccupied by the same individual or basic family unit as a residence and/or it is unoccupied. A vacant property can include a vacant property for sale, a vacant property for rehabilitation, a code-compliant vacant property and a vacation/second residence.

§ 431-203. Certificate of transfer required.

A. A certificate of transfer is required for any property held for sale or transfer within the City of Reading. A person seeking a certificate of transfer must request and complete, in its entirety, a certificate of transfer application supplied by the Property Maintenance Division within 15 days of offering the property for sale.

B. Issuance of certificate of transfer. On receipt of the certificate of transfer application, the Property Maintenance Division shall prepare and issue the certificate of transfer property packet to the seller, or his authorized agent by first-class mail.

C. Zoning permits and other licenses do not transfer to the new owner. The new owner must make application to the proper City office(s).

D. If a property will be a rental unit which was not a recognized rental property at the time of sale, the buyer may request a rental inspection in place of a health and safety inspection. If the buyer does not inform the Property Maintenance Division of the intent to rent until after the completion of the health and safety inspection, the property must undergo a full rental inspection at full price according to the Housing Fee Schedule.

§ 431-204. Health and safety inspection procedure.

A. To commence a health and safety inspection prior to settlement or transfer of a property, the seller should submit a request to the City of Reading Property Maintenance Division on a form prepared and provided by the Property Maintenance Division. If the property has not transferred to a new owner after 24 months of the date of the health and safety compliance letter, any property with a health and safety compliance letter that remains for sale for more than a twenty-four-month period, while owned by the original applicant, shall undergo a new health and safety inspection at half price.

B. To commence a health and safety inspection after settlement or transfer of a property, the Property Maintenance Division shall, within 15 business days of notification from the Recorder of Deeds, notify the new owner of the health and safety inspection. The Property Maintenance Division will, without unreasonable delay, inform the seller or the buyer of the date, time and cost of the inspection as per the City of Reading Fee Schedule.[2]

C. An inspection of the property shall be performed and billed to determine compliance with minimum health and safety standards and requirements as per the current allowable use. The bill includes the first reinspection, but further reinspections will be billed according to the Fee Schedule. These minimum health and safety standards shall not prohibit citations for other significant health and safety hazards that may be identified by the inspector during the inspection:

(1) Each dwelling unit must have an operational (working) smoke detector installed in all common areas, including the basement, every designated bedroom and every finished attic space as required by the Property Maintenance Code.

(2) Each dwelling unit must meet fire standards and have sufficient egress as per the Property Maintenance Code.

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2. Editor's Note: See Ch. 212, Fees.

(3) Each dwelling unit must have an existing acceptable 60 ampere service, or a minimum 100 ampere three-wire electric service must be installed for the dwelling as required by the Property Maintenance Code.

(4) Each dwelling unit must have kitchen countertop receptacles, laundry and bathroom receptacles must be ground-fault-circuit-interrupter protected, as required by Property Maintenance Code.

(5) No basement or attic may be used for habitable bedroom units except by authorization, approval or variance of the City Zoning Hearing Board and shall comply with the requirements of the Property Maintenance Code.

(6) All properties must be supplied with clearly identifiable numbers (minimum of three inches tall) outside the property, in clear view of the street, designating the street number of the property as required by the Property Maintenance Code.

(7) The property must have a sufficient number of storage containers for solid waste.

(8) The exterior of the property shall be in compliance with the Property Maintenance Code.

(9) All properties must be free from infestation of insects or vermin as required by the Property Maintenance Code.

(10) All properties must have the proper permits, licenses and zoning permits if being used for anything other than single-family owner-occupied purposes.

(11) All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions as required by the Property Maintenance Code.

(12) All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests as required by the Property Maintenance Code.

(13) Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads as required by the Property Maintenance Code.

(14) There shall be no illegal sewer/water connections, as defined under the applicable City policies.

(15) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition as required by the Property Maintenance Code.

(16) All other parts of the City of Reading Property Maintenance Code.

D. The Property Maintenance Inspector performing the inspection has the right to request assistance from another inspector or department of the City of Reading, including but not limited to a property maintenance inspector or a trades inspector. In evaluating the inspection, the inspector has the right to review records of other City departments or divisions.

E. At any time after the receipt of the health and safety inspection report, the Property Maintenance Division may undertake such further actions or inspections as it deems appropriate consistent with the applicable ordinances of the City of Reading, including, but not limited to, a full inspection for any applicable codes compliance and/or the issuance of a notice of violation based upon the health and safety inspection report to repair or remediate or otherwise correct any deficiencies indicated in the health and safety inspection report within such time as may be set forth in the notice of violation.

F. Failure to appear for inspection. If the owner or authorized agent cannot be available at the proposed time, said owner or authorized agent shall provide no less than twenty-four-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee will be assessed against the owner failing to supply written notice to appear. If the property owner or authorized agent fails to appear for the second scheduled inspection, an administrative fee will be assessed against the property owner. If the property owner or authorized agent fails to appear for the third scheduled inspection, the Property Maintenance Division shall assess an administrative fee and may placard the subject property and/or promptly seek an administrative search or inspection warrant from a court of competent jurisdiction by supplying all necessary affidavits and testimony in support thereof. Refer to the City of Reading Fee Schedule for appropriate fees.[3]

§ 431-205. Fees.

A. All fees required for a health and safety inspection shall be established by City Council as adopted by the City of Reading Fee Schedule.[4]

B. Nonpayment. Nonpayment shall not preclude performance of an inspection or recheck. In the event of nonpayment, the City reserves the right to initiate collection activities and the appropriate legal action if the bill is not paid.

§ 431-206. Health and safety inspection report.

A. Report. Upon the completion of a health and safety inspection, a report setting forth the deficiencies found during the inspection shall be prepared. The report shall at a minimum state the following:

(1) Address of the property inspected.

(2) Owner's name and mailing address. (P.O. box addresses will not be accepted.)

(3) Date of inspection.

(4) Name, position (buyer or owner and their authorized agents) and address of person(s) requesting the inspection.

(5) Deficiencies found per requirements of this Part. If no deficiencies are found per this Part, it shall be so indicated.

(6) Time to cure deficiencies.

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3. Editor's Note: See Ch. 212, Fees.

4. Editor's Note: See Ch. 212, Fees.

(7) Directive to cure deficiencies.

(8) Right to appeal as defined herein by § 431-207D. If the property has been found to be a commercial use, the health and safety inspection report shall indicate the zoning district the property is located in, the permitted zoning use of the property and a business license.

B. Service. Upon the completion of the inspection, a copy of the health and safety inspection report shall be personally delivered, mailed by first-class delivery or emailed to the person or party requesting the inspection. If the health and safety inspection is performed prior to sale, the buyer or the buyer's agent may also request a copy of the Health and Safety Inspection Report from the Property Maintenance Division.

C. Validity. The certificate of transfer will be valid for a period of 24 months. If a health and safety inspection is performed prior to sale, the Health and Safety Inspection Report shall also be valid for a period of 24 months. If deficiencies or violations are not corrected within 120 days of the original inspection, a subsequent inspection may be required to ensure no additional violations or deficiencies have occurred since the initial inspection. Any property with a Health and Safety Compliance Letter that remains for sale for more than a twenty-four-month period, while owned by the original applicant, shall undergo a new health and safety inspection at half price.

§ 431-207. Report findings.

A. Findings of deficiencies or violations. If deficiencies or violations for the current allowable use of the requirements of this Part are discovered, they shall be set forth on a Health and Safety Inspection Report. Upon findings of deficiencies or violations of this Part are found, a reinspection of the property shall be scheduled to be performed upon expiration of the time period provided for on the report to cure, correct or abate the violations. If the health and safety inspection is completed prior to sale, the seller is responsible for abating, curing, or rehabilitating any deficiencies found within the abatement time indicated on the Health and Safety Inspection Report. If the health and safety inspection is completed after the sale, the buyer is responsible for curing deficiencies within the abatement time indicated on the Health and Safety Inspection Report.

B. No deficiencies found. If no deficiencies or violations per this Part are discovered during the health and safety inspection, a Health and Safety Compliance Letter shall be issued by the City of Reading Property Maintenance Division as stated herein.

C. Condemnation. Nothing in this Part shall preclude an inspector from placarding or condemning a property as unfit for human habitation pursuant to Code of the City of Reading, if it is determined that the property is unfit for human habitation.

D. Appeals. If a person disagrees with findings in a notice of violation, they may appeal said findings by requesting a hearing in writing within five days of receipt of the notice of violation addressed to the Director of Community Development or his designee, Room 3-06 City Hall, 815 Washington Street, Reading, PA 19601. Any subsequent appeal shall be filed to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S.A. §§ 751 and 752.

§ 431-208. Health and safety compliance letter and rental compliance letter; extensions.

A. Issuance. Upon determination by a Property Maintenance Inspector of no findings of violations or deficiencies of this Part, a Health and Safety Compliance Letter shall be prepared and issued to the person requesting the inspection. The letter shall be served upon the person requesting the inspection via first class mail or emailed and a copy shall be placed in the property file in the Property Maintenance Division. The Health and Safety Compliance Letter shall state that as of the date of issuance of the letter the property complied with this Part. The letter shall not be meant to be nor interpreted that the property is in compliance with the Code of the City of Reading.

B. Request for extension. The person requesting an inspection may submit to the City of Reading Property Maintenance Division in writing a request for an extension of time of the validity of the Health and Safety Compliance Letter.

C. Timing to request extension. A request for an extension may be requested at the time of the first reinspection.

D. Requirements. A request for an extension of the Health and Safety Compliance Letter shall, at a minimum, set forth the reason for the request and the requested length of extension of validity of the compliance letter.

E. Response. The City of Reading Property Maintenance Division, at its discretion, may approve or reject a request for an extension of the time period for the validity of a Health and Safety Compliance Letter. The Property Maintenance Division shall notify the person requesting the extension of its decision to accept or reject their request within 14 calendar days of receipt of request as evident by the time stamp of the City of Reading Property Maintenance Division acknowledging receipt. Said notice shall be mailed via first class mail or emailed to the person requesting the extension. If the request is rejected, an inspection must be requested and performed as required by this Part upon expiration of the validity of the compliance letter if necessary to comply with this Part.

F. Rental compliance letter. If the property being sold is a rental unit which has undergone a full rental inspection per the Code of the City of Reading within six months of transfer of the property and a letter has been issued by the City of Reading Property Maintenance Division stating that the property is code compliant, the property is not required to undergo a health and safety inspection. The seller or buyer may request a Health and Safety Compliance Letter based on the Rental Compliance Letter.

§ 431-209. Permits for corrective work.

If permits are required to perform work to cure, correct, abate or remediate any deficiencies or violations noted on the Health and Safety Inspection Report, the person requesting the inspection shall be responsible to obtain or ensure obtaining of any and all permits required to perform such work.

§ 431-210. Nonexclusive inspection.

A. The performance of a Health and Safety Inspection shall not remove a property from the schedule of routine inspections of rental properties in the City of Reading as conducted per the City of Reading Property Maintenance Code (Chapter 180, Part 14). A Health and Safety Inspection shall also not preclude performance of an inspection by the Department of Fire and Rescue Services or Health Inspector of the City of Reading Property

Maintenance Division, City of Reading Zoning Office or other City office as provided for in the Code of the City of Reading.

B. Nothing in this Part shall preclude the performance of an inspection upon receipt of a complaint of violation of the Code of the City of Reading regarding the subject property.

§ 431-211. Enforcement.

This Part shall be enforced under the jurisdiction of the City of Reading Property Maintenance Division. Enforcement is delegated to the Property Maintenance Division.

§ 431-212. Regulations and forms.

The Property Maintenance Division is hereby authorized to establish regulations, consistent with the provisions of this Part, to prepare and distribute forms to implement this Part and to set criteria and provide for the qualifications and training as to applicable City ordinances and regulations of certified inspectors and to do any and all other acts as are necessary to implement the terms of this Part.

§ 431-213. Exemptions.

The following real estate transactions shall be exempted from the certificate of transfer and health and safety inspection requirements:

A. The conveyance of an owner occupied primary residential property transferring from a decedent(s) to his devisee(s) or heir(s).

B. The conveyance of an owner-occupied primary residential property transferring between spouses due to a divorce action.

C. The conveyance of a property to a municipality, township, school district or county or its agencies pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim department sale.

D. The conveyance of a property to the Commonwealth or to any of its instrumentalities, agencies or political subdivisions by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation, which reconveyance may include property line adjustments, provided said reconveyance is made within one year from the date of condemnation.

§ 431-214. Violators subject to charge of summary offense.

Any person who shall violate a provision of this Part, or who shall fail to comply with any of the requirements thereof or any amendments thereof, shall be subject to a charge of summary offense and the fines and/or penalties set forth herein.

§ 431-215. Penalties.

The following penalties may be levied on either or both the seller and buyer, or new owner should either fail to comply with the terms of this Part:

A. Failure to obtain a certificate of transfer within 15 days of the time the property is offered for sale or transfer will result in a penalty as per the City of Reading Fee Schedule.[5]

B. Failure to correct any deficiencies per the Health and Safety Inspection Report will result in penalties as stated in the Property Maintenance Code.

§ 431-216. Other causes of action.

Nothing in this section shall preclude the City of Reading Property Maintenance Inspector instituting the appropriate proceeding at law or in equity, to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

§ 431-217. Liability of City, buyer and inspector.

A. The Health and Safety Inspection report should not be construed as a full property maintenance inspection and is not intended to replace such or supplement any private inspection of the condition of the property as may be deemed desirable by the property owner or other entities.

B. Neither the enactment of this Part nor the preparation and delivery of any document pursuant hereto shall impose any liability upon any City Inspector for any errors or omissions contained in any report nor shall the City or City Inspector bear any liability not otherwise imposed by law. The owner and subsequent buyer of any property shall remain wholly liable for compliance with the City's Property Maintenance Code (Chapter 180, Part 14), trades codes, the Zoning Ordinance (Chapter 600) and any and all other applicable ordinances of the City.

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5. Editor's Note: See Ch. 212, Fees.

Chapter 438

RAIN BARRELS

§ 438-1. Definitions.
§ 438-2. Authorized users.
§ 438-3. Authorized uses.
§ 438-4. Maximum size and number.
§ 438-5. Height.
§ 438-6. Location.
§ 438-7. Rain barrels in historic districts.
§ 438-8. Specifications.
§ 438-9. Alternative materials, design and methods of construction and equipment.
§ 438-10. Connections.
§ 438-11. Operation.
§ 438-12. Maintenance.
§ 438-13. Underground cisterns and rain barrels.
§ 438-14. Abandonment.
§ 438-15. Enforcement.
§ 438-16. Violations and penalties.
§ 438-17. Appeals.

GENERAL REFERENCES

Property maintenance — See Ch. 180, Parts 12 and 13.

Stormwater management — See Ch. 505.

§ 438-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COLLECTING STRUCTURE — Any house, garage, building or canopy that possesses a roof drainage system utilized to collect precipitation and/or rainwater in a containment vessel.

NONPOTABLE — Water that has not been examined, properly treated and approved as safe for consumption.

RAIN BARREL — A ready-made or self-fabricated aboveground durable fiberglass, polypropylene, resin, recycled steel or lined wooden containment vessel that collects rainwater for nonpotable outdoor use from a rooftop drainage system.

§ 438-2. Authorized users.

Rain barrels may only be installed by fee simple owners of real property, or by tenants who obtain written permission from the owner prior to installation.

§ 438-3. Authorized uses.

Rain barrels shall only be used to collect rainwater for nonpotable use on lawns and gardens, for irrigation, for washing vehicles and for other outdoor uses. Under no circumstances shall water from a rain barrel be used for any potable purpose including, without limitation, drinking, cooking or bathing.

§ 438-4. Maximum size and number.

The maximum capacity of a rain barrel shall not exceed 75 gallons. Multiple interconnected rain barrels are permitted.

§ 438-5. Height.

The height of a rain barrel shall not exceed six feet above the surrounding grade. An elevated platform is permitted, but the height of the Rain barrel and platform together shall not exceed the six-foot height limitation.

§ 438-6. Location.

A. Rain barrels shall be installed aboveground.

B. Rain barrels shall not be placed less than one foot away from any collecting structure.

C. To prevent tipping, rain barrels shall be placed on a flat, stable surface or platform.

D. Rain barrels must be situated at ground level and may not be installed on porches or decks located above ground level on any multistory collecting structure.

E. Rain barrels located on sidewalks may not project into the areaway beyond that allowed by regulations of the City Engineer.

§ 438-7. Rain barrels in historic districts.

Rain barrels installed in any historic district must conform to any aesthetic design, construction or landscaping requirements of the Historical Architectural Review Board and shall require a certificate of appropriateness prior to installation, including any requirement that the rain barrels be screened or shielded to obscure their view.

§ 438-8. Specifications.

A. Rain barrels may be ready-made or self-fabricated of durable fiberglass, polypropylene, resin, recycled steel or wood.

B. Wooden rain barrels must be lined.

C. Recycled rain barrels may not have been previously used as containment vessels for substances regulated by the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.

D. All interior surfaces of a recycled rain barrel must be washed clean with soap and water before the rain barrel is put into service.

E. Every rain barrel must be equipped with an automatic stormwater diverter or automatic overflow system so that when the rain barrel is full, rainwater is either diverted back into the collecting structure's downspout system, or away from the foundation of the collecting structure by way of an overflow hose and into a drainage swale. No drainage from an overflow hose shall discharge upon any neighboring property.

F. Overflow piping must be at least one inch in diameter. **[Amended 11-12-2013 by Ord. No. 58-2013]**

G. Rain barrels must be equipped with a mosquito-proof screen on the lid and over the flow hole, constructed of corrosion-resistant wire or other approved mesh.

H. Lids on rain barrels must be securely fastened to prevent access by small children and animals.

I. Rain barrels fabricated from fiberglass, polypropylene and resin must be opaque in color to inhibit algae growth.

J. The exterior of a rain barrel shall not be painted or decorated in such a manner that is inconsistent with the surrounding area or offensive to the general senses of neighboring properties and neighboring property owners.

K. Where not inconsistent with the standards set forth herein, rain barrels shall otherwise conform to the standards for rain barrel design, construction and operation set forth in the guidance document Rainwater Catchment Design and Installation Standards, published on January 20, 2009, by the American Rainwater Catchment Systems Association and the American Society of Plumbing Engineers.

§ 438-9. Alternative materials, design and methods of construction and equipment.

The provisions of this chapter are not intended to prevent the installation of any material, or to prohibit any design or method of construction not specifically prescribed by this chapter, provided that any such alternative has been preapproved by the City Engineer or his/her designee. An alternative material, design or method of construction may be approved, where the City Engineer determines that the proposed design is satisfactory and complies with the intent of this chapter, and that the material, method or work is offered for the purpose intended, and is at least the equivalent of that prescribed in this chapter in terms of quality, effectiveness, durability and safety.

§ 438-10. Connections.

Rain barrels shall be completely isolated from any potable water source.

§ 438-11. Operation.

Rain barrels shall be operated in such a manner as to avoid creating a public or private nuisance.

§ 438-12. Maintenance.

A. The operation and maintenance of a rain barrel is the responsibility of the property owner.

B. Rain barrel screens and associated gutters and downspouts must be kept clear of debris and cleaned as needed to ensure proper operation.

C. Rain barrel constituent parts and accessories should be routinely inspected, and if no longer functioning as intended, repaired or replaced.

D. During periods of time when the outdoor temperature is at or below 32° F., the rain barrel shall either be disconnected from its water source, or the volume of water in the rain barrel shall be maintained at 1/2 capacity, or the rain barrel shall be drained and its spigot left open.

§ 438-13. Underground cisterns and rain barrels.

Underground cisterns or containment vessels installed below grade are not regulated by this chapter and require a building permit, drainage plan and approval by the City Engineer.

§ 438-14. Abandonment.

If the owner of a rain barrel elects to cease use of, or fails to properly maintain the rain barrel, the owner shall abandon the system. To abandon the system, the owner shall remove the rain barrel and reconfigure the connecting structure's downspouts so that they once again drain into the City's stormwater conveyance system.

§ 438-15. Enforcement.

The Property Maintenance Division of the Department of Community Development for the City of Reading, Pennsylvania, shall enforce this chapter and its sections through its officers, inspectors and/or authorized agents.

§ 438-16. Violations and penalties.

A. Upon complaint for the first violation of this chapter, a warning will be issued noting the necessary action to correct the violation. A reinspection is not necessary.

B. Upon complaint for the second violation of this chapter within a twelve-month period, a violation notice shall be issued in the amount of $25 and an educational session is mandatory for the correct operation and maintenance of rain barrels.

C. For the third violation of this chapter within a twelve-month period, violation notice shall be issued in the amount of $50.

D. For the fourth and subsequent violation of this chapter within a twelve-month period, a violation notice shall be issued in the amount of $100.

§ 438-17. Appeals.

Any person aggrieved may appeal the same to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S.A. §§ 751 and 752.

Chapter 442

RECORDS, PUBLIC ACCESS

§ 442-101. Purpose.
§ 442-102. Definitions.
§ 442-103. Presumptions; exceptions.
§ 442-104. Format to request.
§ 442-105. Procedure.
§ 442-106. Review of request.
§ 442-107. Denial of request.
§ 442-108. Fees associated with request.
§ 442-109. Effective date.

[HISTORY: Adopted by the City Council of the City of Reading 12-8-2008 by Ord. No. 81-2008 (Ch. 1, Part 10, of the 2001 Code of Ordinances). Amendments noted where applicable.]

STATE LAW REFERENCES

Right-to-Know Law — See 65 P.S. § 67.101 et seq.

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§ 442-101. Purpose. [Amended 5-29-2012 by Ord. No. 58-2012]

A. The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 67.101 et seq., as amended, to provide prompt and efficient access to public records of the City of Reading, to preserve the integrity of records, to minimize the financial impact to the residents of the City of Reading regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records, and to protect the privacy rights of individuals who submit sensitive information to the City that is considered nonpublic, confidential, or privileged under the Right-to-Know Law.[1]

B. It is the policy of the City of Reading to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the City of Reading. The City of Reading designates the Law Department as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines.

§ 442-102. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE PROCEEDING — A proceeding by an agency, the outcome of which is required to be based on a record or documentation prescribed by law or in which a statute or regulation is particularized in application to individuals. The term includes an appeal.

AGENCY — A commonwealth agency, a local agency, a judicial agency or a legislative agency.

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1. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

AGGREGATED DATA — A tabulation of data which relate to broad classes, groups or categories so that it is not possible to distinguish the properties of individuals within those classes, groups or categories.

APPEALS OFFICER — As follows:

A. For a commonwealth agency or a local agency, the appeals officer designated under § 503(a). [65 P.S. § 67.503(a)]

B. For a judicial agency, the individual designated under § 503(b). [65 P.S. § 67.503(b)]

C. For a legislative agency, the individual designated under § 503(c). [65 P.S. § 67.503(c)]

D. For the Attorney General, State Treasurer, Auditor General and local agencies in possession of criminal investigative records, the individual designated under § 503(d). [65 P.S. § 67.503(d)]

CERTIFICATION — Legal verification of a public record performed at the behest of the requester, does not include notarization. **[Added 5-23-2011 by Ord. No. 25-2011]**

CONFIDENTIAL PROPRIETARY INFORMATION — Commercial or financial information received by an agency:

A. Which is privileged or confidential.

B. The disclosure of which would cause substantial harm to the competitive position of the person that submitted the information.

FINANCIAL RECORD — Any of the following:

A. Any account, voucher or contract dealing with:

(1) The receipt or disbursement of funds by an agency.

(2) An agency's acquisition, use or disposal of services, supplies, materials, equipment or property.

B. The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee.

C. A financial audit report. The term does not include work papers underlying an audit.

HOMELAND SECURITY — Governmental actions designed to prevent, detect, respond to and recover from acts of terrorism, major disasters and other emergencies, whether natural or man-made. The term includes activities relating to the following:

A. Emergency preparedness and response, including preparedness and response activities by volunteer medical, police, emergency management, hazardous materials and fire personnel.

B. Intelligence activities.

C. Critical infrastructure protection.

D. Border security.

E. Ground, aviation and maritime transportation security.

F. Biodefense.

G. Detection of nuclear and radiological materials.

H. Research on next-generation securities technologies.

INDEPENDENT AGENCY — Any board, commission or other agency or officer of the commonwealth that is not subject to the policy supervision and control of the Governor. The term does not include a legislative or judicial agency.

LEGISLATIVE RECORD — Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:

A. A financial record.

B. A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the ruler.

C. Fiscal notes.

D. The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.

E. The transcript of a public hearing when available.

F. Any administrative staff manuals or written policies.

G. An audit report.

H. Committee reports.

LOCAL AGENCY — Any of the following:

A. Any political subdivision, intermediate unit, charter school, cyber charter school or public trade or vocational school.

B. Any local, intergovernmental, regional or municipal agency, authority, council, board, commission or similar governmental entity.

OFFICE OF OPEN RECORDS — The Office of Open Records established in the Pennsylvania Right-to-Know Law.

PAGE — See "photocopy." **[Added 5-23-2011 by Ord. No. 25-2011]**

PERSONAL FINANCIAL INFORMATION — An individual's personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual's personal finances.

PHOTOCOPY — Either a single-sided copy or one side of a double-sided black-and-white copy of a standard eight-and-one-half-inch-by-eleven-inch page. **[Added 5-23-2011 by Ord. No. 25-2011]**

PRIVILEGE — The attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of this commonwealth.

PUBLIC RECORD — A record, including a financial record, of a commonwealth or local agency that:

A. Is not exempt under § 708. [65 P.S. § 67.708]

B. Is not exempt from being disclosed under any other federal or state law or regulation or judicial order or decree.

C. Is not protected by a privilege.

RECORD — Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

REQUESTER — A person that is a legal resident of the United States and requests a record pursuant to this chapter. The term includes an agency.

RESPONSE — Access to a record or an agency's written notice to a requester granting, denying or partially granting and partially denying access to a record.

SPECIALIZED DOCUMENTS — Nonstandard sized documents, including but not limited to blue prints or color copies. **[Added 5-23-2011 by Ord. No. 25-2011]**

TERRORIST ACT — A violent or life-threatening act that violates the criminal laws of the United States or any state and appears to be intended to:

A. Intimidate or coerce a civilian population.

B. Influence the policy of a government.

C. Affect the conduct of a government by mass destruction, assassination or kidnapping.

TRADE SECRET —

A. Information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique or process that:

   (1) Derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use.

   (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

B. The term includes data processing software obtained by an agency under a licensing agreement prohibiting disclosure.

§ 442-103. Presumptions; exceptions.

A. Requirement. A local agency shall provide public records in accordance with the Pennsylvania Right-to-Know Act.

B. Prohibition. A local agency may not deny a requester access to a public record due to the intended use of the public record by the requester unless otherwise provided by law.

C. General rule. A record in the possession of a local agency shall be presumed to be a public record. The presumption shall not apply if:

(1) The record is exempt under this chapter.

(2) The record is protected by a privilege.

(3) The record is exempt from disclosure under any other federal or state law or regulation or judicial order or decree.

D. Burden of proof. The burden of proving that a record is exempt from public access shall be on the agency receiving a request by a preponderance of the evidence.

E. Exceptions. The following records are exempt from access:

(1) Records which would result in the loss of federal or state funds.

(2) Records which would be likely to result in a substantial risk of physical harm to or the personal security of an individual.

(3) Records maintained for homeland security, law enforcement or other public safety activity that would jeopardize or threaten public safety or preparedness or public protection or a record that is designated classified by a military authority.

(4) Records that would create a reasonable endangering of the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system including:

(a) Documents or data relating to computer hardware, source files, software and system networks that could jeopardize computer security by exposing a vulnerability.

(b) Lists of infrastructure, resources and significant special events, including those defined by the federal government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments.

(c) Building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.

(5) A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security.

(6) A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information.

(7) Personal identification information.

(a) The following personal identification information:

[1] A record containing all or part of a person's social security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal email addresses; employee number or other confidential personal identification number.

[2] A spouse's name, marital status, beneficiary or dependent information.

[3] The home address of a law enforcement officer or judge.

(b) Nothing in this subsection shall preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency employee.

(c) An agency may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record.

(8) The following records relating to an agency employee:

(a) A letter of reference or recommendation pertaining to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.

(b) A performance rating or review.

(c) The result of a civil service or similar test administered by a commonwealth agency, legislative agency or judicial agency. The result of a civil service or similar test administered by a local agency shall not be disclosed if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.

(d) The employment application of an individual who is not hired by the agency.

(e) Workplace support services program information.

(f) Written criticisms of an employee.

(g) Grievance material, including documents related to discrimination or sexual harassment.

(h) Information regarding discipline, demotion or discharge contained in a personnel file. This subsection shall not apply to the final action of an agency that results in demotion or discharge.

(i) An academic transcript.

(9) A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings. This subsection shall not apply to a final or executed contract or agreement between the parties in a collective bargaining procedure.

(10) In the case of the arbitration of a dispute or grievance under a collective bargaining agreement, an exhibit entered into evidence at an arbitration proceeding, a transcript of the arbitration or the opinion. This subsection shall not apply to the final award or order of the arbitrator in a dispute or grievance procedure.

(11) The draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency.

(a) A record that reflects:

[1] The internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.

[2] The strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.

(b) The following shall apply to agencies subject to 65 Pa.C.S. Ch. 7 (relating to open meetings in a manner consistent with 65 Pa.C.S. Ch. 7). A record which is not otherwise exempt from access under this chapter and which is presented to a quorum for deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be a public record.

(c) This subsection shall not apply to a written or Internet application or other document that has been submitted to request commonwealth funds.

(d) This subsection shall not apply to the results of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion.

(12) A record that constitutes or reveals a trade secret or confidential proprietary information.

(13) Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.

(14) Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.

(15) Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.

(16) Academic transcripts.

(17) Examinations, examination questions, scoring keys or answers to examinations. This subsection shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.

(18) A record of an agency relating to or resulting in a criminal investigation, including:

(a) Complaints of potential criminal conduct other than a private criminal complaint.

(b) Investigative materials, notes, correspondence, videos and reports.

(c) A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.

(d) A record that includes information made confidential by law or court order.

(e) Victim information, including any information that would jeopardize the safety of the victim.

(19) Law enforcement.

(a) A record that, if disclosed, would do any of the following:

[1] Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.

[2] Deprive a person of the right to a fair trial or an impartial adjudication.

[3] Impair the ability to locate a defendant or codefendant.

[4] Hinder an agency's ability to secure an arrest, prosecution or conviction.

[5] Endanger the life or physical safety of an individual.

(b) This subsection shall not apply to information contained in a police blotter as defined in 18 Pa.C.S.A. § 9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S.A. § 3754(b) (relating to accident prevention investigations).

(20) A record of an agency relating to a noncriminal investigation, including:

(a) Complaints submitted to an agency.

(b) Investigative materials, notes, correspondence and reports.

(c) A record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L. 1559, No. 169), known as the Whistleblower Law.[2]

(d) A record that includes information made confidential by law.

(e) Work papers underlying an audit.

(21) A record that, if disclosed, would do any of the following:

(a) Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court.

(b) Deprive a person of the right to an impartial adjudication.

(c) Constitute an unwarranted invasion of privacy.

(d) Hinder an agency's ability to secure an administrative or civil sanction.

(e) Endanger the life or physical safety of an individual.

(22) Records or parts of records, except time response logs pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.

(a) This subsection shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.

(23) DNA and RNA records.

(24) An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.

(25) Draft minutes of any meeting of an agency until the next regularly scheduled meeting of the agency.

(26) Minutes of an executive session and any record of discussions held in executive session.

(27) Real estate.

(a) The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:

[1] The leasing, acquiring or disposing of real property or an interest in real property.

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2. Editor's Note: See 43 P.S. § 1421 et seq.

[2] The purchase of public supplies or equipment included in the real estate transaction.

[3] Construction projects.

(b) This subsection shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.

(28) Library and archive circulation and order records of an identifiable individual or groups of individuals.

(29) Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution.

(30) A record identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public.

(31) A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S.A. § 513 (relating to competitive sealed proposals).

(32) A record or information relating to a communication between an agency and its insurance carrier, administrative service organization or risk management office.

(a) This subsection shall not apply to a contract with an insurance carrier, administrative service organization or risk management office or to financial records relating to the provision of insurance.

(33) Social services.

(a) A record or information:

[1] Identifying an individual who applies for or receives social services.

[2] Relating to the following:

[a] The type of social services received by an individual.

[b] An individual's application to receive social services, including a record or information related to an agency decision to grant, deny, reduce or restrict benefits, including a quasi-judicial decision of the agency and the identity of a caregiver or others who provide services to the individual.

[c] Eligibility to receive social services, including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse.

(34) Correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services.

(a) This subsection shall not apply to correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbyist disclosure).

(35) A record identifying the name, home address or date of birth of a child 17 years of age or younger.

(36) Financial records. The exceptions set forth above. An agency shall not disclose the identity of an individual performing an undercover or covert law enforcement activity.

(37) Aggregated data. The exceptions set forth in Subsection E shall not apply to aggregated data maintained or received by an agency, except for data protected above.

(38) Construction. In determining whether a record is exempt from access under this section, an agency shall consider and apply each exemption separately.

§ 442-104. Format to request. [Amended 5-29-2012 by Ord. No. 58-2012]

All requests for public records of the City of Reading under this policy shall be specific in identifying and describing each public record requested. In no case shall the City of Reading be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the City of Reading does not currently compile, maintain, format or organize the public record. Requests for public records shall be submitted in writing and shall include the name and address to which the Law Department should address its response. Requests may be made by mail, in person, by email, or by facsimile and on a form provided by the City of Reading entitled "Standard Right-to-Know Request Form," which is available upon request at the City of Ready Law Department, Rm 2-54 City Hall, or on Readingpa.gov.

§ 442-105. Procedure. [Amended 5-29-2012 by Ord. No. 58-2012]

A. All requests for access to public records of the City of Reading shall be directed to the City of Reading Law Department, Room 2-54 City Hall, between the business hours of 8:00 a.m. to 4:00 p.m,. Monday through Friday, (except on holidays) or at solicitor@readingpa.org. Requests will be addressed within five days of receipt.

B. Upon receiving a request for a public record, the Law Department shall do all of the following:

(1) Note the date of receipt on the written request.

(2) Compute the day on which the five-day period will expire and make a notation of the date on the written request.

(3) Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

(4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requestor and a copy of other communications.

C. The Law Department shall respond to the requester within five business days from the date of receipt of the written request. If the City of Reading does not respond within five business days of receipt thereof, the request is deemed denied.

D. The response provided by the City of Reading shall consist of:

(1) Approval for access to the public record;

(2) Review of the request by the Law Department; or

(3) Denial of access to the record requested.

E. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the City of Reading. The Law Department, or its designee, shall cooperate fully with the requester, while also taking reasonable measures to protect the City of Reading's public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

§ 442-106. Review of request. [Amended 5-29-2012 by Ord. No. 58-2012]

A. If the request requires an extension of time for the City to produce the records or provide a written response granting the request, the notice provided by the City of Reading shall be in writing and include the reason for the review, the expected response date, and an estimate of applicable fees owed when the record becomes available, which shall be within 30 days of the original deadline imposed under Chapter 9 of the Right-to-Know Law, 65 P.S. §§ 67.901 through 67.905. If the City of Reading does not respond within 30 days thereof, the request is deemed denied. Review of the request is limited to situations where:

(1) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information.

(2) The record requires retrieval from a remote location.

(3) A timely response cannot be accomplished due to staffing limitations.

(4) A legal review is necessary to determine whether the record requested is subject to access.

(5) The requester has not complied with the City of Reading's policy and procedure requirements.

(6) The requester refuses to pay the applicable fees.

(7) The extent or nature of the request precludes a response within the required time period.

B. If access to the record requested is denied, the notice provided by the City of Reading shall be in writing and shall outline each reason upon which the decision to deny access to the records is based.

§ 442-107. Denial of request. [Amended 6-15-2010 by Ord. No. 27-2010; 5-29-2012 by Ord. No. 58-2012]

A. A request may be denied if:

(1) The requester has made repeated requests for the same record and the repeated requests have placed an unreasonable burden on the agency. A denial for this purpose shall not restrict the ability to request a different record.

(2) Timely access is not possible due to fire, flood, or other disaster.

(3) Historical, ancient, or rare documents, records, archives and manuscripts, when accessed, may, in the professional judgment of the curator or custodian of records, cause physical damage or irreparable harm to the record.

(4) The record or information requested is exempt from disclosure under any of the exceptions listed in § 708(b) of the Right-to-Know Law, 65 P.S. § 67.708(b).

(5) The information requested is protected by the attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of this commonwealth.

(6) The requested records or information is exempt from disclosure under any other federal or state law or regulation or judicial order or decree.

(7) The request is not specific enough for the City to determine what record(s) is sought.

(8) A request may be denied if the request requires the City to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the City does not currently compile, maintain, format or organize the record.

B. If the request is denied or deemed denied, an appeal shall be filed within 15 business days of the mailing date of the City's response or within 15 business days of a deemed denial with the Pennsylvania Office of Open Records in accordance with the Pennsylvania Right-to-Know Law, Act 3 of 2008, effective January 1, 2009, Chapter 11, 65 P.S. § 67.1101.

(1) Exception: Appeals of denials or deemed denials of requests for law enforcement records which per the Right-to-Know Act an appeal shall be filed the Berks County District Attorney's Office in accordance with said Act, Chapter 11, 65 P.S. § 67.1101 and Chapter 5, 65 P.S. § 67.503.

C. This policy shall be posted conspicuously at the Law Department, Room 2-54 in City Hall in addition to the contact information for the State Office of Open Records.

§ 442-108. Fees associated with request. [Amended 5-23-2011 by Ord. No. 25-2011]

A. Fees for duplication of public records shall be as provided in Chapter 212, Fees.[3]

B. Prepayment.

(1) Estimate cost exceeds $100. In the event the estimated cost of fulfilling a request submitted under this chapter is expected to exceed $100, the Open Records Officer

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3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

shall obtain payment of 50% of the expected cost in advance of fulfilling (copying) the request to avoid unwarranted expense of City of Reading resources.[4]

(2) Prior to release. The City may obtain the cost of the records prior to releasing the records.

C. Redaction. A fee to redact documents may not be charged. If a requester wishes to inspect rather than receive a copy of a record and the records contains both public and nonpublic information, the City shall redact the nonpublic information and shall charge for copies, in accordance with the above fee schedule, it must make of the redacted material in order for the requester to view the public record. Should the requester choose to obtain copies of the redacted documents after reviewing the records, no additional fee may be charged.

D. Statutory fees. If a separate statute authorizes the City to charge a set amount for a certain type of record, the City may charge no more than that statutory amount.

E. Conversion to paper. If a record is only maintained electronically or in other nonpaper media, duplication fee shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive media.

§ 442-109. Effective date.

This chapter shall take effect on January 1, 2009.

4. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Chapter 453

SALES

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Sidewalk Sales

§ 453-101. Purpose.
§ 453-102. Sidewalk sales and displays.
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§ 453-104. Issuance of permit; display.
§ 453-105. Permitting for sidewalk sales outside Commercial Core.
§ 453-106. Prohibited conduct.
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Part 2
Sidewalk Vendors

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§ 453-202. Title.
§ 453-203. Construal of provisions.
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§ 453-205. Permit required.
§ 453-206. Permit application; fee.
§ 453-207. Design and appearance standards.
§ 453-208. Sidewalk vendor operation standards.
§ 453-209. Suspension or revocation of permit.
§ 453-210. Code and License Appeals Board.
§ 453-211. Appeal to Court of Common Pleas.
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Part 3
Mobile Vendors

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§ 453-302. Title.
§ 453-303. Interpretation.
§ 453-304. Definitions.
§ 453-305. License required.
§ 453-306. License application.
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§ 453-310. Vending License Board of Appeals.
§ 453-311. Appeal to Court of Common Pleas.
§ 453-312. Enforcement.
§ 453-313. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Reading Downtown Improvement District Authority — See Ch. 14, Part 5.

Property maintenance — See Ch. 180, Part 14.

Peddling and soliciting — See Ch. 410.

Streets and sidewalks — See Ch. 508.

Part 1
Sidewalk Sales

[Adopted 5-14-2007 By Ord. No. 33-2007 (Ch. 10, Part 16, Of The 2001 Code Of Ordinances)]

§ 453-101. Purpose.

The City of Reading City Council encourages an attractive, functional and economically vital community and shopping areas that are safe and pleasant environments to live near and to do business within. Council recognizes that commercial development is a major identifying feature in a community, offering impressions to residents and visitors alike of the quality of life available. It is Council's intent to encourage commercial growth that contributes to a vibrant and attractive community. As the current Code does not allow sidewalk sales due to public health and safety concerns, Council believes that these activities can greatly contribute to a pedestrian-friendly community if they conform to specific public health, and safety requirements defined herein.

§ 453-102. Sidewalk sales and displays.

No person shall engage in the selling or display for sale of merchandise of any kind on, over or upon any sidewalk without first applying for and obtaining a permit from the City of Reading Codes Enforcement Office and then operating within the terms and conditions of all applicable City ordinances. The sidewalk sale permit enables the person or business to operate 52 sidewalk sales per calendar year.

§ 453-103. Definitions.

For the purpose of this Part, the following terms shall have the following meanings:

ABUTTING PROPERTY — Property contiguous to a public street right-of-way on which a sidewalk cafe will be operated under the terms of this Part.

CITY ENGINEER — The Director of Public Works or his authorized representative.

COMMERCIAL CORE — The zoning district defined as the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity.

HEALTH OFFICER — The Health Officer of the City of Reading Codes Enforcement Office or his authorized representative

OWNER — Includes any owner of fee simple title, part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole of the land contiguous to the street right-of-way on which a sidewalk cafe is to be operated under the authority of this Part.

PEDESTRIAN WALKWAY — That portion of a sidewalk area which is free of any obstruction, fixture or appurtenance and is used for pedestrian travel.

PERSON — Includes a partnership, corporation, association, trust, estate or other legally recognized entity, as well as an individual.

PUBLIC SERVICE FACILITY — A public telephone, mailbox, bench or other facility provided for the use of the general public.

SIDEWALK — Any paved area between the curbline and a structure, whether publicly or privately owned, which is used by the public or open to use by the public.

SIDEWALK SALE — Retail or wholesale selling of merchandise using racks, table or freestanding merchandise outside and/or adjacent to buildings and structures, and includes sales in areas such as sidewalks, walkways and parking lots. Sidewalk sales do not include the sale and consumption of food and drink in open-air, cafe-style seating with tables and chairs.

STREET RIGHT-OF-WAY — The entire right-of-way of a public highway, public alley or public road, including the designated sidewalk areas.

§ 453-104. Issuance of permit; display.

A. It shall be unlawful for any person, firm, corporation, transient merchant, church, club, charitable institution, hawker or peddler to vend, sell or dispose of or offer to vend, sell, dispose of or display, any goods, wares, merchandise, produce or vegetables on any public walk, street, alley or anywhere within the City of Reading without registering with and receiving a permit from the City Codes Enforcement Office.

B. The Codes Enforcement Office is hereby authorized to grant revocable permits for the use of the sidewalks for sidewalk sales in the Commercial Core Zoning District upon the following terms and conditions. Registration shall be on a permit form approved by the City Council. When the Codes Enforcement Office has approved the issuance of a sidewalk sales permit, the applicant shall be issued a permit. The permit shall contain the information required on the application, the expiration date, and one of the photographs submitted with the application. The permit shall be carried by the applicant at all times when engaged in sidewalk sales and shall be exhibited for inspection to any person approached for purposes of sidewalk sales.

§ 453-105. Permitting for sidewalk sales outside Commercial Core.

Applications for sidewalk cafes outside the Commercial Core Zoning District shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. Such applications shall be forwarded to City Council for approval.

§ 453-106. Prohibited conduct.

No vendor or person shall exhibit, display, offer for sale or sell any indoor furniture, appliances, mattresses or similar wares, or merchandise or place or allow any to stand or remain on the sidewalks in the City of Reading, unless they are set out for trash collection in accordance with the zoned trash collection schedule.

§ 453-107. Permit term and fees.

A. The term of each sidewalk sale permit shall be specified on the permit which is issued and shall not exceed 52 events per year.

B. Fees required under this section shall be established by City Council and included on the City's Fee Schedule. **[Amended 8-26-2013 by Ord. No. 35-2013; 9-28-2015 by Ord. No. 50-2015[1]]**

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1. Editor's Note: This ordinance also repealed former Subsection C, regarding prorating and rebate of the annual permit fee, which immediately followed this subsection.

§ 453-108. Display standards. [Amended 9-28-2015 by Ord. No. 50-2015]

The Property Maintenance Division is hereby authorized to grant revocable permits for the use of the sidewalk for the display for sale of merchandise, flowers, floral arrangements and ornamental shrubbery not prohibited herein upon the following terms and conditions:

A. No more than 52 sidewalk sales can occur during each calendar year.

B. The permit and regulated activity shall be valid only during a single calendar year.

C. The permitted activity shall be conducted only as an accessory to a business establishment lawfully operating on the first floor of the premises, on the sidewalk in front of the principal place of business of such establishment and by the entity which operates such establishment. All sales shall be conducted within such establishment. No cash register or other facility for the exchange of currency or otherwise receiving payment for goods and services shall be permitted on the sidewalk.

D. The applicant shall have the consent of the owner and lessee, if any, of the premises in front of which the permitted activity is to be conducted and shall provide notice of the permitted activity to the adjoining property owner(s).

E. There shall be no less than eight feet from the curbline to the front of the nearest structure.

F. No sidewalk display shall be nearer than three feet zero inches to the curb, except that if the sidewalk is nine feet zero inches or more in width, then the distance from the curb shall be not less than one-third of the width of the sidewalk with a maximum of two rows.

G. The applicant shall at all times maintain free and clear from all obstruction an aisle not less than three feet in width providing access to any establishment fronting on said sidewalk.

H. No permanent structure may be affixed to the sidewalk or any building. The applicant shall be responsible for any damage caused to any sidewalk or public property.

I. The sidewalk use shall not interfere with access to any public service facility, create a nuisance or fire hazard.

J. At least one trash receptacle shall be provided by the business or person and the premises shall be kept litter free.

K. No outdoor lighting or live or mechanical music shall be permitted.

L. The sidewalk display shall be permitted only during the hours the business is open to the public or between the hours of 7:30 a.m. and 9:00 p.m.

M. The applicant shall agree to indemnify and save harmless the City of Reading, its officers, agents, attorneys and employees from and against any claim of loss, liability or damage by any person arising as a result of the applicant's operation of the sidewalk use.

N. The applicant shall obtain and maintain in full force and effect throughout the term of the permit a policy of general liability insurance, which such policy shall name the City of Reading, its officers, agents, attorneys and employees as additional insured, have a combined single limit of not less the $1,000,000 and contain a provision prohibiting its cancellation except upon 20 days' notice to the City of Reading. The applicant shall file

with the Property Maintenance Division, prior to the issuance of the permit, a certificate evidencing the requisite insurance.

O. Any other conditions required or prescribed by the Property Maintenance Division shall be reasonable and necessary to protect the health, welfare and safety of the public, including the denial of the application.

§ 453-109. Special sidewalk sales. [Amended 9-28-2015 by Ord. No. 50-2015]

Anything in this Part to the contrary notwithstanding, the City of Reading Property Maintenance Division may permit the selling and display for sale of merchandise on, over or upon the sidewalk at any location within the City for a period not to exceed seven days in conjunction with any organized sidewalk sales days open to all retail merchants within a specific neighborhood or City block, as long as the affected merchants comply with the other terms of this Part and other applicable City ordinances.

§ 453-110. Application requirements.

Each applicant for a permit under this Part shall submit three copies of his application and plans for the sidewalk sale to the Codes Enforcement Office, who shall issue a permit upon compliance with the terms and conditions of this Part. Application must be made within 14 business days prior to the intended start date. Applications for sidewalk sale permits shall include the following:

A. The name and street address of the applicant.

B. The name and street address of the owner of the business and owner of the underlying freehold and/or abutting property owner if not the same person, and:

(1) A description of the owner of the abutting property, if other than a natural person, including the legal status (corporation, partnership, etc.) and a general description of the type(s) of business operated on the abutting property.

(2) Written authority in the form of a power of attorney from the owner to submit the application if the applicant is not the owner of the abutting property.

C. The name and street address of the registered agent for the service of process, if the applicant represents a corporation; or the names and street addresses of the officers or partners, if the applicant represents an association, partnership or other entity.

D. The name and street address of the operator, manager or other person responsible for the operation of the sidewalk sale.

E. The name under which the sidewalk sale will be operated.

F. A copy of the current City business license and zoning permit.

G. A site plan drawn to a scale of 1/2 inch equals one foot, showing:

(1) The entirety of the sidewalk abutting the property of the owner.

(2) The frontage of the property proposed for the sidewalk sale.

(3) All abutting properties.

(4) All existing sidewalk features including, but not limited to, trees, utility poles, sign poles, fire hydrants, permanent litter receptacles, telephone booths, news vending racks and mailboxes.

(5) Any bus stops within 25 feet on either side of the proposed sidewalk sale area.

(6) Detailed drawings of legible proportions showing the limits of the proposed sidewalk sale site, the design dimension and proposed location of all proposed temporary structures (i.e., canopies, umbrellas, planters, landscaping, tables, chairs, all exterior lighting, electrical outlets, etc.), the proposed pedestrian walkway and the side and front elevations of the proposed sidewalk sale area.

H. A copy or copies of the certificate or certificates of insurance required to be provided.

§ 453-111. Review of application.

A. Before any permit is issued pursuant to this Part, the plans submitted to the Codes Enforcement Office pursuant to this Part shall be referred to and approved by the Public Works Director, Reading Police Department and Department of Fire and Rescue Services.

B. The Codes Enforcement Office shall determine if the applicant has:

(1) Obtained the approval of the Public Works Director and Building Official for any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk sale. No such railing, flooring or other support or enclosure shall be considered an erection of, addition to or a structural alteration of a building or structure under applicable City Building Code unless such railing, flooring or other support or enclosure is permanently attached to such building or structure.

(2) Obtained the approval of the Historical Architectural Review Board (HARB) if the sidewalk sale is located within any area designated as part of an historic district and if the applicant proposes any facilities which are under the jurisdiction of the HARB. The HARB shall use the review criteria for such plans relating to a sidewalk sale's specific location, size and structure, for its compatibility of scale and design. Alteration in the plans for a sidewalk sale approved by the HARB requires reapproval from the HARB. Once approval is granted by the HARB, the approved plans are valid and do not require annual reapproval. The HARB shall only review applications which have the written approval from the Public Works Director as specified herein. **[Amended 8-26-2013 by Ord. No. 35-2013]**

(3) Complied with all rules, regulations and specifications of this Part.

C. The Codes Enforcement Office may impose any other restriction on the location, size or design of the sidewalk sale that, in his sole judgment, protects the health, safety and welfare of the public.

§ 453-112. Conditions for issuance of permit.

A. Upon approval by the Property Maintenance Division of the plans submitted by the applicant and upon the applicant furnishing to the City of Reading the following, the Property Maintenance Division shall issue a permit valid through the end of the calendar year: **[Amended 9-28-2015 by Ord. No. 50-2015]**

(1) A hold-harmless agreement executed by the applicant and indemnifying the City against loss, including costs and expenses, resulting from injury to person or property as a direct or indirect result of the operation of the sidewalk sales. Said hold-harmless agreement shall be subject to the approval of the City Solicitor.

(2) Proof of liability insurance in the amount of $100,000 per individual and $300,000 per occurrence.

B. Sidewalk sales permits are not transferable. Changes in ownership/operation require reapplication for a permit.

§ 453-113. Removal of improvements.

A. If the City incurs any costs in removing any equipment or improvements from a sidewalk sale for the following reasons: the establishment failed to remove equipment at the close of the business day, the establishment went out of business or the establishment failed to renew its permit, within 30 days of the close of the year, the City shall remove and store all equipment and bill the property owner for the actual costs of labor, materials, equipment or any other item, service or expense incurred by the City to correct such violation, plus any additional administrative fees. The equipment removed shall remain in the City's possession until the bill from removal and any fines or fees are paid in full.

B. Any bill for such removal of equipment undertaken pursuant to this section shall be billed to and paid by the property owner within 60 days. Upon failure of the property owner to pay the amounts due within 60 days, the City shall assess this uncollected debt on the property taxes of this building.

§ 453-114. Permit renewal.

A sidewalk sale permit may be renewed annually, upon review of the renewal application and complaint history, if any, which shall be provided by the Codes Enforcement Office, Reading Police Department, Department of Public Works, and Department of Fire and Rescue Services. Each agency shall provide to the Codes Enforcement Office copies of any inspection results, complaints filed and citations issued concerning the sidewalk sale under consideration. The renewal fee for the permit shall be as stipulated in § 453-107 above.

§ 453-115. Written notice of violations; suspension of permit.

Upon finding by the Codes Enforcement Office that an applicant has violated any provisions of this Part, the Codes Enforcement Office shall give written notice to the applicant to correct said operational violation. Upon failure to correct said operational violation within the time frame specified, the Codes Enforcement Office may take appropriate action, as necessary, to maintain the pedestrian walkway. The Codes Enforcement Office may suspend the applicant's permit issued pursuant to this Part, as well as pursue prosecution in accordance with the requirements herein. The Codes Enforcement Office shall, in his/her sole judgment, give a violator reasonable time to repair any structural damage or physical violation of any provision of this Part. An appeal before City Council shall be accorded if requested.

§ 453-116. Violations and penalties; effect on eligibility for license.

A. Whoever violates any provision of this Part shall, upon conviction thereof in a summary proceeding, be fined not less than $200 and not more than $1,000 for each offense, to be collected as other fines and costs are by law collectible, or imprisoned for not more than 90 days, or both. Each day during which a violation occurs shall constitute a separate offense.

B. Any person who is convicted of a violation of any of the provisions of this Part shall have his permit suspended for one full year and shall not be eligible for another permit until the expiration of one full year.

C. Any person who fails to remove a sidewalk sales materials at the close of each business day, as provided for in § 453-113, shall not be eligible for a permit in any following year.

D. Failure to observe any of the conditions set out herein is grounds for revocation of a permit. Prior to such revocation, the Property Maintenance Division shall give 10 days' written notice to the permittee of his violation of or his failure to observe a general condition as set out above. If the permittee requests a hearing prior to the expiration of that ten-day notice period, the City Council shall hold a hearing to determine if the license should be revoked. The permittee may present evidence in his own behalf if he so desires. The decision in regard to revocation may be appealed to the City Council. If the permittee fails to request such a hearing, the revocation shall become effective upon the expiration of the ten-day notice period. If a permit granted under this section is revoked, all tables, chairs and other appurtenances used as a part of the sidewalk sale shall be immediately removed from the sidewalk. **[Amended 9-28-2015 by Ord. No. 50-2015]**

E. This Part and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may otherwise be available with or without process of law.

§ 453-117. Determination on application.

The Codes Enforcement Office shall grant or deny an application for a permit pursuant to this Part within seven days of its complete submission.

§ 453-118. Reservation of rights.

Neither the adoption of this Part nor the granting of any permit pursuant hereto shall be construed as a waiver of any right, privilege or immunity of the City of Reading with respect to streets and sidewalks, whether express or implied.[2]

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2. Editor's Note: Original § 10-1619, Penalties for offenses, which immediately followed this section, was repealed 8-26-2013 by Ord. No. 35-2013.

Part 2
Sidewalk Vendors
[Adopted 8-13-2007 By Ord. No. 63-2007[3] (Ch. 10, Part 17, Of The 2001 Code Of Ordinances)]

§ 453-201. Purpose. [Amended 11-9-2009 by Ord. No. 62-2009]

The purpose of this Part is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect residential neighborhoods and public facilities. Whereby, reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right-of-way. It is the finding of City Council that the regulation of sidewalk vendors on public and private property is necessary to promote the orderly and efficient use of sidewalks, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

§ 453-202. Title.

This Part shall be known as the "Sidewalk Vendor Ordinance."

§ 453-203. Construal of provisions.

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

§ 453-204. Definitions.

For the purpose of this Part, certain terms shall be defined as follows:

CODE AND LICENSE APPEALS BOARD — Board authorized to hear, among other things, appeals of and render decisions in matters concerning aggrieved applicants whose sidewalk vendor permits have been denied, suspended, revoked or are not renewed and/or whose location has been selected by the DID Board, pursuant to § 453-206. **[Added 10-26-2015 by Ord. No. 61-2015]**

DOWNTOWN IMPROVEMENT DISTRICT (DID) AUTHORITY AREA — The City's Central Business District, in which services are provided by the Reading Downtown Improvement District Authority as created through the enactment of Bill No. 41-2005 on June 27, 2005,[4] which reestablished the Downtown Improvement District. Please see the map located at www.downtownreading.com. The mapped area does not include areas in which services are provided by the DID Authority under contract. **[Amended 1-26-2009 by Ord. No. 6-2009; 10-26-2015 by Ord. No. 61-2015[5]]**

DOWNTOWN IMPROVEMENT DISTRICT (DID) AUTHORITY BOARD — As defined and established by Ord. No. 134-94, titled "An Ordinance Authorizing the City of Reading to

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3. **Editor's Note: Ord. No. 28-2010, Adopted 6-28-2010, Repealed This Part To The Extent Inconsistent With Or In Direct Contrast To The Property Maintenance Rules And Regulations, Enacted And Authorized By Ord. No. 28-2010 (Ch. 180, Part 13).**

4. **Editor's Note: See Ch. 14, Part 5, Reading Downtown Improvement District Authority.**

5. **Editor's Note: This ordinance also repealed the former definitions of "kiosk" and "mobile vendor," amended 1-26-2009 by Ord. No. 6-2009, which definitions immediately followed this definition.**

Organize an Authority to be Known as the 'Reading Downtown Improvement District Authority,' Pursuant to the Provisions of the Municipality Authorities Act of 1945, P.L. 382, As Amended, Under Certain Terms and Conditions," as amended by subsequent enactments, including Ord. No. 11-95, Ord. No. 66-95, Res. No. 706-95, and Ord. No. 20-2000, all of which are hereby incorporated by reference, is hereby reestablished pursuant to the Municipality Authorities Act[6] and the Neighborhood Improvement District Act,[7] pursuant to the terms set forth herein. **[Added 10-26-2015 by Ord. No. 61-2015]**

OFFICIAL MAP — The topographical survey of the City of Reading, Pennsylvania, on file in the Engineering Office.

PASSABLE — Free of any impediment or obstruction, whatsoever, that would hinder the travel of the public.

PRIVATE PROPERTY — Property owned by a person or jointly by a group of persons, legal persons or business entities. **[Amended 11-9-2009 by Ord. No. 62-2009]**

PROPERTY MAINTENANCE DIVISION — A division of the City of Reading Community Development Department charged with enforcing the City of Reading Codified Ordinances governing issues including, but not limited to, housing property maintenance, health and blight. **[Amended 5-10-2010 by Ord. No. 24-2010; 10-26-2015 by Ord. No. 61-2015]**

PUBLIC RIGHT-OF-WAY — Any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office, shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

PUBLIC OUTDOOR PAY TELEPHONE — Any outdoor publicly accessible pay telephone any portion of which, or its enclosure, is situated on, projects over, or hangs over a portion of the public right-of way; or is situated such that it can be used by a person standing on the public right-of way.

PUBLIC PROPERTY — All real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intends for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.[8]

SIDEWALK — That portion of a public right-of-way for which paving is required under this Part of the Code of the City of Reading and which is used primarily for pedestrian travel.

SIDEWALK AREA — That portion of the public right-of-way occurring between the curbline and the topographical building line.

SIDEWALK VENDOR — Person or persons who exhibits, displays, or sells any food, beverage, goods, printed materials or merchandise from any stand, cart vending machine or trailer while on or about the sidewalk area.

SIDEWALK VENDOR PERMIT — The written authorization, issued by the City of Reading, to construct, install, erect, or place any obstruction within the public right-of-way. The permit must be displayed prominently on each cart, trailer and/or obstruction.[9]

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6. Editor's Note: See 53 Pa.C.S.A. § 5601 et seq.

7. Editor's Note: See 73 P.S. § 831 et seq.

8. Editor's Note: The former definition of "sandwich board," which immediately followed this definition, was repealed 10-26-2015 by Ord. No. 61-2015.

TRAILER — Vehicle designed to be towed by a motor vehicle.

VEHICLE — A device or structure for transporting persons or things; a conveyance that is self-propelled and runs on tires. **[Amended 1-26-2009 by Ord. No. 6-2009]**

VENDING — The act of exhibiting, displaying or selling any food, beverage, goods, newspapers, or other printed materials either in bulk or in package or from a vending cart as defined herein. **[Added 10-26-2015 by Ord. No. 61-2015]**

VENDING CART — A nonmotorized vehicle with at least two wheels moved by hand for the purpose of conducting food or merchandise sales. **[Amended 10-26-2015 by Ord. No. 61-2015[10]]**

§ 453-205. Permit required. [Amended 1-26-2009 by Ord. No. 6-2009; 11-9-2009 by Ord. No. 62-2009; 5-10-2010 by Ord. No. 24-2010; 8-26-2013 by Ord. No. 35-2013; 10-26-2015 by Ord. No. 61-2015]

A. Vending on public property is prohibited in all areas outside the Downtown Improvement District Authority (DID) area.

B. Vending is prohibited on private property as per the Zoning Ordinance, City of Reading Codified Ordinances; § 600-902, Limit of one principal use, states "No more than one principal use shall be permitted on a lot, unless specifically permitted by this chapter. A principal use shall not be located in an accessory building or structure."

C. It shall be unlawful for any person to engage in the business of vending within the City of Reading without first obtaining a permit pursuant to this section. Vending activities are only permitted within the DID area and between the southern right-of-way line of Franklin Street, the northern right-of-way line of Washington Street, the western right-of-way line of Front Street and the eastern right-of-way line of 11th Street, as shown by the DID Area Map contained in the latest final plan for the Downtown Improvement District.

D. Preexisting vendors operating inside the Downtown Improvement District (DID) area are required to comply with all regulations contained herein and are subject to all licensing and health/safety requirements contained in this Part.

(1) Location, type and number. A sidewalk vendor permit shall only be issued for and restricted to vendor sales from an approved vending cart at specific and fixed locations within the DID area. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Up to a maximum of 20 sidewalk vending permits shall be issued for food, beverage, goods, printed materials or merchandise related sales annually for the DID area as determined by City ordinances.

(2) The Property Maintenance Division shall issue a temporary permit to the potential sidewalk vendor indicating a location and notify the DID Board of the assignment. The DID Board shall determine the final approved location of each vendor in the DID area. The Property Maintenance Division will then issue the permanent permit to the

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9. Editor's Note: The former definitions of "stand" and "stationary vendor," amended 11-9-2009 by Ord. No. 62-2009, which immediately followed this definition, were repealed 10-26-2015 by Ord. No. 61-2015.

10. Editor's Note: This ordinance also repealed the former definitions of "Vending License Board," amended 5-10-2010 by Ord. No. 24-2010, and "vending machine," which immediately followed this definition.

owner of the vending cart once approved by the DID Board. The location selection criteria shall be as follows:

(a) The goods being sold or offered by the vendor;

(b) The goods sold, offered and/or services provided by adjacent businesses and those within 200 feet;

(c) Expected impacts from the vendor which could have a detrimental effect on existing adjacent and nearby establishments; and

(d) The goods being sold by sidewalk vendors in the same block, in order to avoid oversaturation of the block with too many of the same type of vendor (e.g., more than one ice cream vendor in the same block).

(3) City Officials may, if necessary, temporarily or permanently relocate any or all vendor(s) by giving the vendor(s) 24 hours' notice due to the DID Board's request, special events, or because of natural or man-made phenomena which would cause vending activities to be unsafe, impractical or incompatible with new or existing businesses within 200 feet of the vendors' location.

E. The DID Board shall approve, deny and/or revoke permits for vending machines in the DID area including vending machines for printed materials.

F. More than two permits prohibited. A person who holds or has an interest in two sidewalk vendor permits as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor permit. Each vending cart must have an individual permit. One permit cannot apply to more than one vending cart.

G. Permit nontransferable. A sidewalk vendor permit shall not be transferable to another holder, and any prohibited transfer of the permit shall work as an automatic forfeiture thereof. If the permit holder is not a natural person, the transfer of any ownership interest in the holder of the permit shall be deemed a prohibited transfer.

H. This section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus, authorities or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

§ 453-206. Permit application; fee. [Amended 1-26-2009 by Ord. No. 6-2009; 11-9-2009 by Ord. No. 62-2009; 5-10-2010 by Ord. No. 24-2010; 8-26-2013 by Ord. No. 35-2013; 10-26-2015 by Ord. No. 61-2015]

A. Notice of permit availability. Applications for sidewalk vending permits will be available beginning March 1 for each calendar year in the Property Maintenance Division. Each calendar year will extend from April 1 to March 31.

B. Application.

(1) Any person interested in applying for a sidewalk vendor's permit may make application by filing such forms containing the required information with the Property Maintenance Division with a nonrefundable processing fee as per the City of Reading

Fee Schedule, Chapter 212. Existing permit holders completing applications shall receive priority in the grant of a permit, however, the City does not guarantee any particular location as DID retains the right to approve vending locations. The application shall set forth:

(a) True name and address of the applicant. P.O. boxes will not be permitted.

(b) Photographs and specifications, including the dimensions of the proposed sidewalk vendor cart(s), stand(s) or trailer(s) to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in § 453-207 herein.

(c) Sufficient detail about the proposed sidewalk vendor, the cart features and a complete list of the products proposed for sale must be submitted with the application for evaluation and compliance with applicable City and state health codes. A complete list of products to be sold is needed to determine the best and most suitable location for the vendor cart.

(d) Applicant must also submit either copies of the required City and state health permit or, in the event that applicant has applied for but not yet procured those permits, the applicant may submit a copy of the completed permit application. The vending cart permit will not be issued until all health permits have been procured.

(e) Utility connections to neighboring properties shall be prohibited. The vendor cart must be one-hundred-percent self-contained.

(f) The locations the sidewalk vendor would like to operate.

(2) Applications will be initially reviewed by the Property Maintenance Division for completeness.

C. Review of applications.

(1) Not more than 45 days following application deadline, the Director of the Department of Community Development or his designee shall complete the review of all applications filed and notify the applicants of the results thereof in writing. Final approval of the location will be determined by DID. An application shall be denied and the applicant shall be ineligible for a sidewalk vendor license if:

(a) The application is incomplete in any material respect as set forth in § 453-206B above.

(b) The proposed vending cart does not comply with the cart design criteria, standards or specifications and/or applicable health or safety requirements.

(c) The applicant does not have a business privilege license.

(d) The applicant, or any natural person having an interest in the entity making the application, has:

[1] An interest in more than two sidewalk vendor permits.

[2] Within the past five years held or had an interest in a sidewalk vendor license that has been revoked.

[3] Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.

(e) If an application is denied, the applicant shall be notified in writing of the reason(s) therefor within 10 days.

(2) Note: In the event two or more sidewalk vendors apply to operate in the same location, a lottery system will be used to make the determination.

D. Each permit shall be issued for one calendar year, April 1 through March 31, and shall be subject to review and inspection by City officials during the calendar year for adherence to the requirements of this Part.

§ 453-207. Design and appearance standards. [Amended 1-26-2009 by Ord. No. 6-2009; 11-9-2009 by Ord. No. 62-2009; 5-10-2010 by Ord. No. 24-2010; 8-26-2013 by Ord. No. 35-2013; 10-26-2015 by Ord. No. 61-2015]

A. General requirements. All sidewalk vendor carts, trailers or stands shall be kept in a clean and sanitary condition, and all vendors shall comply with state and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. Conditions such as discoloration, food and beverage stains, rust, and peeling/cracking/faded exterior surfaces are not permitted and may cause the suspension and/or revocation of the vending permit. A City health permit must be obtained by all vendors selling food before operation of sales begins.

B. Required physical features.

(1) Dimensions. The dimensions of the vending cart shall not exceed four feet by eight feet. This is the largest in operation size and states the largest exterior dimensions permitted (including wheels, handles and similar parts). Fold-out shelves for the display of larger merchandise are permitted, provided there will be no interference with pedestrian movement. Fold-out shelves shall not be used to provide space for customers to consume the products dispensed by the vendor.

(2) Mobility. Vending carts must have at least two wheels. They must permit easy movement and maneuverability in the event of emergency and required relocation.

(3) Permit display. The vending permit must be clearly displayed on the cart in such a manner and location as to be clearly visible to customers.

(4) Trash receptacles. Each vending cart will have provisions for vendor and customer trash disposal. Vendors are responsible for proper disposal of this trash whenever the container becomes full or, at a minimum, at the conclusion of the day's operation.

(5) Covers. Umbrellas or canopies are desirable. The umbrella must not conflict with public passage on the right-of-way, nor be obtrusive to vendors' signs or neighboring business. The cover must be well maintained, so as not to become faded, torn, cracked, or soiled.

(6) Carts self-contained. All sidewalk vendor carts shall be so designed that all vending-related activities, including trash disposal, can be conducted totally from the vending cart. Use of the sidewalk by a vendor for product display, storage, or disposal of trash shall be prohibited.

(7) Utility connections. Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the unit. Utility connections to neighboring properties shall be prohibited.

(8) Fire. A five-pound ABC-type dry chemical fire extinguisher is required for all vending carts utilizing a flame for any purpose.

(9) Hand-washing facilities. Each vending cart that serves unwrapped or unbagged food must have a hand-wash sink with hot and cold water, a posted sign indicating the exact regulations required by the Pennsylvania Department of Agriculture.

(10) Refuse. All vending carts must have a refuse receptacle with a tight-fitting lid on the unit and a separate refuse receptacle for customers as required by the Pennsylvania Department of Agriculture. Receptacles must be properly emptied when full or at a minimum at the close of business. All refuse must be disposed of at the vendor's expense.

(11) Cold and hot holding units. Refrigeration and cold holding units must be capable of reaching and maintaining 41° F. or below when in use. Hot holding units must be capable of holding foods at 135° F. or above, as required by the Pennsylvania Department of Agriculture.

(12) Dishwashing. Single-service articles must be used unless adequate dishwashing facilities are available and used. Adequate facilities will include a three-compartment sink (separate from the hand-washing sink) set up for accomplishing a three-step method of dishwashing; wash, rinse and sanitize. Where only spatulas, tongs, and similar devices are washed and sanitized, and only stationary equipment must be cleaned, a two-compartment sink may be approved in accordance with the regulations of the Pennsylvania Department of Agriculture.

(13) Food and ice. All food and beverages must be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption, as set forth in the regulations of the Pennsylvania Department of Agriculture. All food and beverages shall be from approved sources. Food prepared in a private home may only be sold if that facility is licensed, registered and inspected by the Pennsylvania Department of Agriculture and the City of Reading Property Maintenance Division.

(14) Sign. No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign, which may include a sandwich board sign, attached or separate from the vending cart and in accordance with the City of Reading Zoning Ordinance § 600-1705 must not be obtrusive to the public way or conflict with neighboring businesses by obstructing the view of said businesses or their signage, or blocking any entrance or exit to the building.

(15) Food employee certificate. All food vendors are required to obtain and maintain a food employee certificate from the Department of Agriculture, as required by

the State Food Employee Certification Act, within three months of the approval of their sidewalk vendor permit. New vendors will have 90 days to comply with said requirement; existing vendors 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 Part or the date of loss to comply.

C. Prohibited features:

(1) Advertising other than the name of the vendor's business or suppliers. (Advertising must be based on Subsection B(14) above, that the sign may include items for sale.) Advertising must not contain obscene language, profanity or images offensive to the sensibilities of the general public.

(2) Propulsion systems other than manual.

(3) Gas cylinders larger than 20 pounds.

(4) Vending directly from a motor vehicle, other than a licensed food truck, is prohibited.

(5) Tables, chairs, benches, stools and any other device that would allow the consumption of the product dispensed by the vendor.

(6) Fold-out shelves shall not be used to provide space for customers to consume the products dispensed by the vendor.

D. Waivers. Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.

E. Mandatory compliance. All carts shall comply with standards and specifications described herein and adopted by the City and the state. Failure to comply shall be sufficient grounds for rejection of a vending permit application or suspension or revocation of any license issued.

F. Maintenance. All sidewalk vendor carts shall at all times be maintained in good condition and repair. Any repairs to or replacements of sidewalk vendor carts shall comply fully with the existing design criteria, standards and specifications. No replacement cart may be placed into operation until approved by the Property Maintenance Division and the DID Authority.

§ 453-208. Sidewalk vendor operation standards. [Amended 1-26-2009 by Ord. No. 6-2009; 11-9-2009 by Ord. No. 62-2009; 5-10-2010 by Ord. No. 24-2010; 10-26-2015 by Ord. No. 61-2015]

A. Days and hours of operation. Sidewalk vendor sales inside the Downtown Improvement District may be conducted between the hours of 6:00 a.m. to 9:00 p.m. during the permit year.

B. Daily removal. Sidewalk carts and accouterments shall be removed from the sidewalk daily, not later than 1/2 hour after the close of business or and not returned thereto earlier than 1/2 hour before the time permitted for opening, unless otherwise provided by the regulations adopted by the City. Any item not removed from the sidewalk at the close of business may be removed and stored by the City of Reading or the Downtown

Improvement District. The vendor will be charged for costs, storage and the penalty prescribed under § 453-214 herein.

C. Safe and sanitary condition. Sidewalk vendor carts and vending areas shall be maintained in a safe, broom-clean and sanitary condition at all times. Sidewalk vendor carts permitted hereunder to sell food products shall:

(1) Be subject to inspection at any time by a City of Reading Property Maintenance Inspector and shall at all times be permitted under and be in compliance with all applicable state and local codes.

(2) If using portable heating or cooking facilities, subject to inspection at all times by the City of Reading Fire Marshal and Property Maintenance Division and shall comply with all applicable codes of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

D. Quiet operations. Sidewalk vendors shall conduct business in an orderly fashion and shall not make loud or raucous noises or use sound-amplifying devices to attract attention, nor verbally hawk or solicit product sales.

E. Use and maintenance of sidewalk. All sales and related activity shall be conducted from the vending area during which times the vending cart shall not be moved from the assigned vending location, unless the vending cart is required to move by City or DID officials or for emergency response personnel. No products shall be stored or displayed on the sidewalk or any adjacent outside area. The sidewalk vendor shall be solely responsible to keep the sidewalk area free of trash, litter, debris or spillage generated by the vendor's business. The vending cart shall be placed so as not to impede the free movement of pedestrian traffic. The use of tables, chairs, benches, etc., around the vending cart is strictly prohibited.

F. Display. The sidewalk vendor permit, the City of Reading health permit and the state "serve safe" certificate shall be posted in plain view of the customers at all times the vendor is operating.

G. Public liability insurance. Each permit holder shall maintain and provide the City of Reading with proof of insurance for public liability and having the City named as an interested party with minimum coverage of $100,000 per individual and $500,000 per incident. The Property Maintenance Division shall be informed by the vendor of any change in or notice of cancellation of coverage during the permit year.

H. Prohibitions. An object, device or structure as regulated under the terms of this Part shall be expressly prohibited when its construction, erection, installation or placement would result in any of the following conditions:

(1) A passable sidewalk width less than five horizontal feet.

(2) A horizontal projection from the building line in excess of five feet.

(3) A reduction in the street sight triangle.

§ 453-209. Suspension or revocation of permit. [Amended 11-9-2009 by Ord. No. 62-2009; 8-26-2013 by Ord. No. 35-2013; 10-26-2015 by Ord. No. 61-2015]

A sidewalk vendor permit shall be subject to suspension or revocation by the City for violation of any provision of this Part or any regulations promulgated or enacted hereunder, or violation of applicable state or local, including but not limited to all health or safety regulations, zoning and taxation.

§ 453-210. Code and License Appeals Board. [Amended 1-26-2009 by Ord. No. 6-2009; 11-9-2009 by Ord. No. 62-2009; 5-10-2010 by Ord. No. 24-2010; 8-26-2013 by Ord. No. 35-2013; 10-26-2015 by Ord. No. 61-2015]

A. Any person aggrieved by a decision of the Property Maintenance Division including suspension, nonrenewal, denial or revocation of a sidewalk vendor permit may appeal to the Code and License Appeals Board as per Part I, Chapter 23, Part 14. Any person aggrieved by a decision of the DID Board relating to the location of a vending cart or vending machine may appeal to the Code and License Appeals Board. Such appeal must be filed, in writing, with the Director of the Department of Community Development, with the appropriate filing fee, within 10 working days from the date of receipt of the decision of the Property Maintenance Division or DID Board.

B. Fees and costs. The fee for filing of an appeal to the Code and License Appeals Board shall be as per the City of Reading Fee Schedule, Chapter 212. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.

§ 453-211. Appeal to Court of Common Pleas. [Added 11-9-2009 by Ord. No. 62-2009; amended 5-10-2010 by Ord. No. 24-2010; 10-26-2015 by Ord. No. 61-2015]

Any person aggrieved by any decision of the respective Board may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or in part. Such petition shall be filed with the Court of Common Pleas and a notice thereof served upon all parties to the appeal, including the City of Reading Code and License Appeals Board and the DID Board.

§ 453-212. Enforcement. [Amended 11-9-2009 by Ord. No. 62-2009; 5-10-2010 by Ord. No. 24-2010]

This Part will be enforced under the jurisdiction of the Property Maintenance Division and the Reading Police Department.

§ 453-213. Construction and severability. [Added 10-26-2015 by Ord. No. 61-2015[11]]

In the event any provision, section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, section, sentence, clause or part of this Part, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

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11. Editor's Note: Pursuant to this ordinance, former § 453-213, Violations and penalties, was redesignated as § 453-214.

§ 453-214. Violations and penalties. [Amended 5-10-2010 by Ord. No. 24-2010]

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of $75 to $1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

Part 3
Mobile Vendors

[Adopted 7-26-2010 By Ord. No. 42-2010 (Ch. 10, Part 20, Of The 2001 Code Of Ordinances)]

§ 453-301. Purpose.

The purpose of this Part is to provide for the regulation of mobile vendors in the City of Reading. The City of Reading has the responsibility to provide public safety for pedestrians and vehicular traffic, whereby, reasonable regulation of mobile vendors is necessary to protect the public health, safety, and welfare in the public right-of-way. It is the finding of City Council that the regulation of mobile vendors on public and private property is necessary to promote the orderly and efficient use of City streets, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

§ 453-302. Title.

This Part shall be known as the "Mobile Vendors Ordinance."

§ 453-303. Interpretation.

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

§ 453-304. Definitions.

For the purpose of this Part, certain terms shall be defined as follows:

MOBILE VENDOR — A vendor or seller of food and/or goods from mobile vending unit.

MOBILE VENDOR LICENSE — The written authorization, issued by the City of Reading, to operate a mobile vendor unit on the street. The license must be displayed prominently on each unit.

MOBILE VENDOR UNIT — A vehicle registered under the Vehicle Code of the Commonwealth of Pennsylvania or another state which operates from site to site with primary emphasis on transit while dispensing a product or rendering a service on a stop-on-demand basis only and whose use is incidental to the land use and underlying zone. This vehicle must carry insurance. The vehicle does not typically remain stationary for more than approximately 10 minutes each hour.

PRIVATE PROPERTY — Property owned by a person or jointly by a group of persons, legal persons or business entities.

PROPERTY MAINTENANCE DIVISION — A division of the City of Reading administration under the Managing Director charged with enforcing the City of Reading Code governing issues including, but not limited to, housing, property maintenance and trade.

PUBLIC PROPERTY — All real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intends for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.

PUBLIC RIGHT-OF-WAY — Any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

SIDEWALK — That portion of a public right-of-way for which paving is required under this Part of the Code of the City of Reading and which is used primarily for pedestrian travel.

STATIONARY VENDOR — An itinerant vendor who conducts business:

A. From a vehicle or other conveyance; or

B. In or about a structure that is not permanently affixed to real property and that is located upon privately owned property and not on a public street, sidewalk, alley or public way of the City.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. The term does not include a self-propelled wheel chair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility related disability.

VENDING LICENSE BOARD OF APPEALS — Board authorized to hear appeals of and render decisions in matters concerning aggrieved applicants whose mobile vendor license has been denied, suspended, revoked or is not renewed, pursuant to § 453-306.

§ 453-305. License required.

A. It shall be unlawful for any person to engage in the business of a mobile vendor within the City of Reading without first obtaining a license pursuant to this section. Such mobile vending activities are only permitted throughout the City of Reading.

(1) Vending is prohibited on private property as per § 600-902 of Chapter 600, Zoning, which states "No more than one principal use shall be permitted on a lot in a residential district, unless specifically permitted by this chapter. Where more than one principal use is allowed on a lot, the most restrictive requirement shall apply."[12]

(2) Preexisting mobile vendors operating the City of Reading are required to comply with all regulations contained herein and shall not be "grandfathered."

B. The restrictions of this section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

(1) Location. A mobile vendor license shall only be issued for and restricted to vendor sales from an approved mobile vending. All mobile vending shall be conducted within the public right-of-way, as defined herein.

(2) License nontransferable. A mobile vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a

12. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.

§ 453-306. License application.

A. Notice of license availability. Applications for mobile vending license will be available in the Property Maintenance Division.

B. Application.

(1) Any person interested in applying for a mobile vendor's license may make application by filing such forms containing the required information with the Property Maintenance Division with a nonrefundable application fee as provided in Chapter 212, Fees. The application shall at a minimum set forth:[13]

(a) True name and address of the applicant. P.O. Boxes will not be permitted.

(b) Photographs and specifications of the proposed mobile vendor unit to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in § 453-307 herein.

(c) Sufficient detail about the proposed mobile vendor and the merchandise proposed for sale must be submitted with the application for evaluation and compliance with applicable City and state health codes, along with copies of the required City and state health permits.

(d) A copy of the applicant's business privilege license.

(e) The names, addresses and percentage of stock owned by shareholders in a corporate applicant, and the percentage interest of each partner in a partnership applicant.

(f) A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices, if applicable. Utility connections to neighboring properties shall be prohibited.

(g) A complete listing of the items to be offered for sale or distribution.

(h) The general areas the mobile vendor would like to operate.

(i) The dimensions of the mobile vending unit.

(2) Applications will be initially reviewed by the Property Maintenance Division for completeness. Incomplete applications may be amended one time and resubmitted.

C. Review of applications. The Director of the Property Maintenance Division or his designee shall complete the review of all applications filed and notify the applicants of the results thereof in writing. An application shall be denied and the applicant shall be ineligible for a mobile vendor license if:

(1) The application is incomplete in any material respect.

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13. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(2) The proposed mobile vendor unit does not comply with the design criteria, standards or specifications and/or applicable health requirements.

(3) The applicant does not have a business privilege license.

(4) The applicant, or any natural person having an interest in the entity making the application, has:

(a) Within the past five years held or had an interest in a mobile vendor license that has been revoked.

(b) Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.

(5) If an application is denied, the applicant shall be notified in writing of the reason(s) therefor within 10 days.

D. Each license shall be issued for one calendar year and shall be subject to review during the calendar year for adherence to the requirements of this Part.

§ 453-307. Design and appearance standards.

A. General requirements. All mobile vendor units shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. In addition, vending must comply with state and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

B. Ancillary facilities. A commissary or depot may be required when additional storage, food preparation or cleaning facilities are needed beyond the capacity of the mobile food facility. All commissaries or depots must be approved and licensed by the regulatory agency having jurisdiction over the location of the commissary or depot. A copy of the most recent inspection report of the commissary or depot from the appropriate regulatory agency must be provided upon request.

C. Required physical features.

(1) Physical features. Floors, walls and ceilings must be smooth and easily cleanable with outer openings no larger than necessary to carry out the food operation. The mobile vendor unit must be fitted with closed, tight-fitting windows and doors. If windows or doors need to be opened for ventilation or other reasons, such as service to the customer, then screens, air curtains or other effective means must be present to protect the interior of the mobile vendor unit. Foldout shelves cannot be used to provide space for customers to consume the products dispensed by the mobile vendor. Awnings and canopies, both attached and unattached from the mobile vendor unit, are prohibited.

(2) Mobility. Mobile vendor units must be self-propelled. They must permit easy movement and maneuverability in the event of emergency and required relocation.

(3) License display. The vending license must be clearly displayed on the mobile vendor unit in such a manner and location as to be clearly visible to customers.

(4) Trash receptacles. Each mobile vendor unit will have provisions for mobile vendor trash disposal. Mobile vendors are responsible for proper disposal of trash.

(5) Self-contained. All mobile vendor units shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from the mobile vending unit cart. Use of the sidewalk by a mobile vendor for product display, storage, or disposal of trash shall be prohibited.

(6) Covered openings. When the mobile unit is in motion, openings must be covered with a solid material, such as doors, plastic, etc., to protect the mobile vendor unit from windblown dust and debris during travel. The driver's compartment and food preparation area must be protected against airborne contaminants and vermin, if not separated from the food facility portion of the unit.

(7) Equipment. All equipment must be easily cleanable, durable, free of breaks, cracks and crevices, made of appropriate materials, well constructed and adequate for the intended use. Such equipment shall be properly maintained and installed according to all appropriate federal, state or local code requirements for construction and firesafety.

(8) Utility connections. Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the mobile vendor unit. Utility connections to neighboring properties shall be prohibited. All power equipment shall be installed to eliminate the danger of electrical shock.

(9) Fire. A five-pound ABC type dry chemical fire extinguisher is required for all mobile vendor units utilizing a flame for any purpose.

(10) Hand-washing facilities. Each mobile food vendor unit must have a hand-wash sink with clean, potable hot and cold water, a posted sign indicating "Employees must wash hands," and comply with the standards as required by the Pennsylvania Department of Agriculture. Each hand-washing station must include: soap, single-use paper towels, a waste receptacle and a wastewater collection container. A waste tank having a minimum of 15% greater capacity than the fresh water supply container must be provided and all wastewater must be disposed of in a sanitary sewage system outlet (not on the ground or into a storm drain).

(11) Water supply. All mobile food vendor units must be provided with hot (110° F.) and cold running water under pressure within the mobile vendor unit. The hot water facilities shall be functional when the vehicle is mobile or stationary. The water system must be closed from filling outlet to discharge outlet and separate hoses must exist for filling the water tank and flushing the retention tank. The water-filling inlet must be designed to prevent contamination and backflow/backsiphonage must be installed to protect water supply. The water storage tank shall have a minimum capacity for one day's use.

(12) Refuse. All mobile vendor units must have a refuse receptacle with a tight-fitting lid on the unit. Receptacles must be properly emptied when full or at a minimum at the close of business. All refuse must be disposed of at the vendor's expense.

(13) Cold and hot holding units. Refrigeration and cold holding units must be capable of reaching and maintaining 41° F. or below when in use. Hot holding units must

be capable of holding foods at 135° F. or above, as required by the Pennsylvania Department of Agriculture. Hot and cold storage facilities must be capable of operation at all times. Each hot holding or cool holding unit must be supplied with an accurate, easily readable thermometer.

(14) Dish-washing. Single-service articles must be used unless adequate dish-washing facilities are available and used. Adequate facilities will include a three-compartment sink (separate from the handwashing sink) set up for accomplishing a three-step method of dish-washing. Where only spatulas, tongs, and similar devices are washed and sanitized, and only stationary equipment must be cleaned, a two-compartment sink may be approved as required by the Pennsylvania Department of Agriculture. All food contact surfaces such as cutting boards, work tables, utensils and food preparation equipment must be cleaned and sanitized after each use. Appropriate sanitizer testing devices must be available on the mobile food vendor unit at all times.

(15) Food. All food and beverages must be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption, as required by the Pennsylvania Department of Agriculture. All food and beverages shall be from approved sources. Food prepared in a private home can only be used if that facility is licensed, registered and inspected by the Pennsylvania Department of Agriculture and the City of Reading. All perishable, potentially hazardous foods must be kept cold (41° F. or below) or hot (135° F. or above) at all times. No bare hand contact is allowed on any ready to eat food; gloves or utensils must be used. Gloves must be changed between tasks and when gloves become soiled. All foods must be covered when not in use.

(16) Ice. All ice must come from a source approved by the Department of Agriculture and must be received packaged. Packaged foods, including drinks, whose packaging is not subject to the entry of water because of the nature of the container or packaging, may be stored in ice. Personal food and drinks may not be stored with merchandise. Ice must be stored in clean, easily cleanable, nonporous, closed containers made of approved materials. Galvanized metal coolers may not be used. All ice must be dispensed using an ice scoop having an appropriate handle. Ice used as a coolant may not be used in drinks or as ingredients in food as it is considered nonpotable.

(17) Sign. No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses.

(18) Food employee certificate. All mobile food vendors are required to obtain and maintain a food employee certificate from the Department of Agriculture, as required by the State Food Employee Certification Act, 3 Pa.C.S.A. § 6501 et seq., within three months of the approval of their mobile vendor permit. New vendors will have 90 days to comply with said requirement; existing vendors 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 Part or the date of loss to comply.

D. Prohibited features.

(1) Advertising other than the name of the vendor's business or suppliers. (Advertising must appeal to the sensibilities of the general public.)

(2) Gas cylinders larger than 20 pounds.

(3) Tables, chairs, benches, stools and any other device that would allow the consumption of the product dispensed by the mobile vendor.

(4) Foldout shelves cannot be used to provide space for customers to consume the products dispensed by the mobile vendor.

(5) Awnings and canopies, both attached and unattached from the mobile vendor unit, are prohibited.

E. Prohibited conduct. No mobile vendor shall:

(1) Leave his or her mobile vendor unit unattended while running.

(2) Solicit or conduct business with persons in motor vehicles.

(3) Sell anything other than that for which a license to vend has been issued.

(4) Vend without the insurance coverage specified in § 453-308F.

(5) Smoke in the mobile food unit or allow others to do so.

(6) Sell anything containing alcohol or controlled substances.

(7) Obstruct or interfere with traffic in any manner.

(8) Sell items from his or her vehicle in such a way that requires customers to stand in the street while making a purchase.

F. Supervision. A person in charge shall be present at all times and is responsible for overseeing food-handling practices and staff hygiene, as well as excluding and restricting ill staff.

G. Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.

H. All mobile vendor units shall comply with standards and specifications described herein and adopted by the City and the state. Failure to comply shall be sufficient grounds for rejection of a vending license application or suspension or revocation of any license issued.

I. Maintenance. All mobile vendor units shall at all times be maintained in good condition and repair. Any repairs to or replacements of mobile vendor carts shall comply fully with the existing design criteria, standards and specification. No replacement units may be placed into operation until approved.

§ 453-308. Mobile vendor operation standards.

A. Days and hours of operation. Mobile vendor sales may be conducted between the hours of 9:00 a.m. to 9:00 p.m. during the permit year.

B. Safe and sanitary condition. Mobile vendor units shall be maintained in a safe, broom-clean and sanitary condition at all times. Mobile vendor units licensed hereunder to sell food products shall:

(1) Be subject to inspection at any time by a City of Reading Property Maintenance Inspector and shall at all times be licensed under and be in compliance with all applicable state and local codes.

(2) If using portable heating or cooking facilities, the mobile vendor unit shall be subject to inspection at all times by the City of Reading Fire Marshal and Property Maintenance Division and shall comply with all applicable ordinances of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

C. Quiet operations. Mobile vendors shall conduct business in an orderly fashion and shall adhere to Chapter 387, Noise, of the Code of the City of Reading.

D. Use and maintenance of sidewalk.

(1) No products shall be stored or displayed on the City sidewalk or any adjacent area outside the mobile vendor unit.

(2) The mobile vendor unit shall be operated so as not to impede the free movement of pedestrian or vehicular traffic.

E. Display. The mobile vendor license, the City of Reading health permit and any applicable state food employee certificate shall be posted in plain view of the customers at all times the mobile vendor is operating.

F. Public liability insurance. Each license holder shall maintain and provide the City of Reading with proof thereof, insurance for public liability, with minimum coverage of $100,000 per individual and $500,000 per incident.

§ 453-309. Suspension or revocation of license.[14]

A mobile vendor license shall be subject to suspension or revocation by the City for violation of any provision of this Part or any regulations promulgated or enacted hereunder, or violation of applicable state or local law, including but not limited to all health or safety regulations, zoning and taxation.

§ 453-310. Vending License Board of Appeals.

A. Any person aggrieved by a decision of the Property Maintenance Division, including suspension, nonrenewal, denial or revocation of a mobile vendor license, may appeal to the Vending License Board of Appeals. Such appeal must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee, within 10 working days from the date of receipt of the decision of the Property Maintenance Division.

B. Organization.

(1) Membership. The Vending License Board of Appeals shall consist of the one member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one member of the City of Reading Planning Commission or their designee, one representative from the Greater Reading Chamber of Commerce,

14. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

one employee from the Property Maintenance Division, Reading Police Traffic Enforcement and Public Works.

(2) Oaths and subpoenas. The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(3) Quorum and majority vote. Four members shall constitute a quorum of the Board. A majority of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

C. Powers. The Board shall have the following powers:

(1) Hear and decide appeals. To hear and decide appeals where it is alleged there is error in any decision of the Property Maintenance Division in the enforcement of this Part.

(2) Grant modification or variance. To modify any notice of violation or order and to authorize a variance from the terms of this Part when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Part.

(3) Grant extension of time. To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code[15] and other applicable sections of the City of Reading Code of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

(4) Timeliness. In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.

(5) Recommend amendments to this Part to the Council of the City of Reading.

D. The Property Maintenance Division decision and all records of final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however, that the Property Maintenance Division may prescribe reasonable regulation regarding the time and manner of inspection.

E. Affect of appeals. Any decision issued under, per, and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Vending License Board of Appeals.

F. Fee and costs. The fee for filing of an appeal to the Vending License Board of Appeals shall be as provided in Chapter 212, Fees. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.[16]

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15. Editor's Note: See Ch. 180, Construction Codes, Part 14, International Property Maintenance Code.

16. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 453-311. Appeal to Court of Common Pleas.

Any person aggrieved by any decision of the respective Board may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or in part. Such petition shall be filed with the Court of Common Pleas and a notice thereof served upon all parties to the appeal, including the Vending License Board of Appeals and City of Reading.

§ 453-312. Enforcement.

This Part will be enforced under the jurisdiction of the Property Maintenance Division and the Reading Police Department.

§ 453-313. Violations and penalties.

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of $75 to $1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

Chapter 460

SCRAP METAL DEALERS

§ 460-101. Short title.
§ 460-102. Definitions.
§ 460-103. License requirement; expiration.
§ 460-104. Application for scrap metal facility licenses; fee.
§ 460-105. Issuance and display of license.
§ 460-106. Transfer of license.
§ 460-107. License suspension or revocation.
§ 460-108. Records of transactions; daily reports to police.
§ 460-109. Additional requirements for motor vehicles and parts; exemption.
§ 460-110. Retention of articles; permission of police for disposition; recovery of stolen goods by true owner.
§ 460-111. Purchase of certain articles restricted.
§ 460-112. Purchases prohibited.
§ 460-113. Authority to conduct inspections.
§ 460-114. Appeals.
§ 460-115. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 1-25-2008 by Ord. No. 7-2008 (Ch. 13, Part 15, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

Fire prevention and protection — See Ch. 237.

Health and safety — See Ch. 288.

Zoning — See Ch. 600.

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§ 460-101. Short title.

This chapter shall be known and may be cited as the "City of Reading Scrap Metal Dealer Ordinance."

§ 460-102. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

GOVERNMENT ACCOUNT — Any political subdivision as defined in Pennsylvania Consolidated Statutes that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification.

INDUSTRIAL OR COMMERCIAL ACCOUNT — Any person operating from a fixed location that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification. The term may include other scrap metal facilities.

MOTOR VEHICLE — The same meaning as set forth in the Pennsylvania Consolidated Statutes Title 75, Motor Vehicles.

NONPROFIT ACCOUNT — Any nonprofit organization that is exempt from federal income taxation under Subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. § 501(a) and that sells scrap metal to a scrap metal facility pursuant to a written agreement or written account certification.

RETAIL TRANSACTION — Any transaction involving any person other than an industrial or commercial account, a nonprofit account or a government account in which a scrap metal facility purchases or receives scrap metal.

SCRAP METAL — Any scrap article or material composed of iron, steel, or nonferrous metal or metal alloy including, but not limited to, copper, brass, bronze, aluminum or stainless steel.

SCRAP METAL FACILITY — Any facility, establishment or place of business that is maintained or operated for the primary purpose of receiving, storing, processing, buying or selling scrap metal for remelting or recycling purposes.

SCRAP METAL FACILITY LICENSE OR LICENSEE — Any person holding a scrap metal facility license issued pursuant to this chapter and includes any person acting as the license holder's authorized agent or employee.

VEHICLE IDENTIFICATION NUMBER OR DERIVATIVE THEREOF — Any number or derivative of such a number that is embossed, engraved, etched or otherwise marked on any motor vehicle or motor vehicle part by the manufacturer and can also include a duplicate motor vehicle identification number replaced upon a motor vehicle under the authority of the registrar of motor vehicles.

§ 460-103. License requirement; expiration.

No person shall operate a scrap metal facility in the City of Reading except under authority of a valid scrap metal facility license issued by the Codes Enforcement Office, in the name of the person operating the facility and for the specific site of the facility. Every license shall expire on December 31 of each calendar year following its date of issuance, subject to suspension or revocation pursuant to § 460-107 of this chapter. An application for the renewal of a license must be submitted prior to the annual expiration date of the existing license, and operation under authority of the existing license may continue until issuance or denial of the renewal of the license, provided submission of the renewal application is timely.

§ 460-104. Application for scrap metal facility licenses; fee.

A. Application for a scrap metal license as required by § 460-103 herein, including the renewal of the license, shall be made in writing and sworn to on a form provided by the Codes Enforcement Office and pursuant to the terms of this chapter.

B. The application for a license to operate a scrap metal facility shall include the following information:

(1) A list identifying every individual who will be directly engaged in managing or supervising the daily operations of the facility, and for each individual so identified the following information shall be provided by the applicant:

(a) The individual's name, address and social security number. (Note: Providing Social Security number is optional.)

(b) A photocopy of a current and valid driver's license, military identification, or other government-issued photo identification card issued to individuals.

(c) A set of fingerprints and a certified copy of the individual's criminal history information, including date, time, and place of convictions for all violations except traffic offenses as obtained from any local or state enforcement agency.

(2) The applicant's history of any government issued licenses or permits related to the operation of any scrap metal facility, including any currently held by the applicant and any previously issued licenses or permits that were revoked or suspended within the past the 10 years and the reasons therefor.

(3) If the applicant is a business entity that is required to register with the Commonwealth of Pennsylvania, Secretary of the State, a copy of a current certificate of good standing issued by that office.

C. No person shall knowingly make a false license application or procure or seek to procure a license for another.

§ 460-105. Issuance and display of license.

A. Subject to the terms of this chapter, the Codes Enforcement Office shall issue a license to an applicant to operate a scrap metal facility at a specified location, unless the service safety director finds any of the following:

(1) That the application does not contain all the required information, or that the application contains a material misrepresentation.

(2) That the facility which is to be licensed fails to conform to the City of Reading Code including, but not limited to, zoning, building, health, property maintenance and fire.

B. The Codes Enforcement Office may refuse to issue a license to an applicant if it finds any of the following:

(1) That the applicant, or any person having a direct or indirect interest in that which is to be licensed, has been convicted of a felony or theft offense within the past 10 years or is on probation or parole for a felony or theft offense.

(2) That criminal conduct as defined in the Pennsylvania Crimes Code has or is occurring on the premises of the facility on a repeated basis by customers, patrons, employees, operators or licensees. "Repeated basis" shall mean two or more offenses within the previous 12 months.

C. The issued license shall be displayed in a conspicuous place within the public area of the facility.

§ 460-106. Transfer of license.

A. A scrap metal facility license is not transferable to another location. No person so licensed shall transfer or solicit business at any location other than at the address stated in the

license. Any change in location of the scrap metal facility licensed pursuant to this chapter shall require the submission of a new application and the issuance of a new license.

B. Any change in ownership or location of the scrap metal facility licensed pursuant to this chapter shall require the submission of a new application and the issuance of a new license. For purposes of this section, whenever the person to which a license has been issued is a corporation or limited liability company and there is a transfer of the corporation's stock or that limited liability company's membership interests such that, following the transfer, the owner of the majority or plurality of the limited liability company's membership's interests would change, the transfer of stock or membership interests shall be considered a change of ownership.

§ 460-107. License suspension or revocation.

A. The Codes Enforcement Office may revoke or suspend a scrap metal facility license where it finds:

(1) A section of this chapter was violated upon facility premises.

(2) A violation of the Commonwealth of Pennsylvania statute, Commonwealth of Pennsylvania Code or the City of Reading Code was committed upon the facility premises, and was reasonably related to the management, condition or operation of the facility.

(3) A material misrepresentation was made upon application for a license.

(4) An operator of the facility, or employee or agent of the operator, hindered, obstructed or prevented any inspection of the facility authorized by this chapter.

B. Unless a stay order has been issued by a court of competent jurisdiction, a licensee is prohibited from purchasing, receiving or selling any scrap metal articles or material during the time that the licensee's scrap metal facility is revoked or suspended.

§ 460-108. Records of transactions; daily reports to police.

A. All scrap metal facility licensees shall maintain a separate record book or electronic file in which the licensee shall keep an accurate, legible and complete record of all the following specified information for each retail transaction on a form approved by the Chief of Police:

(1) A complete and accurate description of any scrap metal article or material that has been purchased or received by the licensee, including, where available, the name and maker of the article or material, and the serial number or other identification number, letters or marks written or inscribed on the article or material.

(2) The seller's name and current address.

(3) The identification number from a current and valid driver's license, military identification, or other government-issued photo identification card issued to the seller.

(4) The identification number and state issuing the license plate of the motor vehicle being used by the seller to transport the articles or material to the facility.

(5) An impression of the right or left thumb of the seller.

(a) If the licensee uses the electronic reporting method, any of the following procedures will comply with the requirement for a thumb impression:

[1] A fingerprint scanner impression of the thumbprint provided in an electronic file with the daily reporting titled by name and date.

[2] A thumbprint impression on a receipt signed by the seller, filed by date, and retained for three years, and kept in such a manner as it may be retrieved by law enforcement upon request.

(6) The date and time that the licensee purchased or received the article or material and the name of the individual employee or operator of the facility who conducted the transaction.

(7) A declaration of whether the total amount paid by the licensee for the articles or material purchased was more or less than $500.

B. Every retail transaction shall be numbered consecutively.

C. Every retail transaction shall have a digital image taken with the date and time stamp of such quality as approved by the Chief of Police. The tapes or pictures must be maintained for a ninety-day period.

D. The licensee shall prepare a daily report listing all retail transactions occurring during the preceding day and containing all information described in this section for each retail transaction. Before 12:00 noon each day, the licensee shall deliver a copy of the licensee's daily report to the Chief of Police or his designee. Delivery of the daily report shall be by means of a secured electronic transmission, a legible facsimile transmission, or the delivery of a paper copy or a physical electronic medium containing the report. Licensees submitting a physical electronic or data from a computerized tracking system must submit data in a format approved by the Chief of Police.

E. The records described in this section shall be retained by the licensee for three years following the date of the retail transaction.

F. Aluminum cans are exempt from reporting.

§ 460-109. Additional requirements for motor vehicles and parts; exemption.

A. In addition to all the other requirements of this chapter, a scrap metal facility that purchases or receives in a retail transaction as scrap a motor vehicle shall also comply with all the following requirements:

(1) No motor vehicle shall be purchased or received unless at the time of the transaction the seller has provided both a valid driver's license, military identification, or other government-issued identification card issued to the seller bearing a photograph of the seller.

(2) A scrap metal facility that purchases or receives a motor vehicle from the owner described on the certificate of title, etc., shall immediately attach the certificate of title, etc., to an appropriate DMV form, keep a record/copy of the transaction, and

forward the certificate of title, etc., and DMV form to the PA DMV. The scrap metal facility shall keep record of the transaction for three years after creating the record. The record shall include a copy of the certificate of title, etc., and other relevant information.

B. In addition to all other requirements of this chapter, a scrap metal facility that purchases or receives in a retail transaction as scrap a motor vehicle part bearing a vehicle identification number or derivative thereof shall also record, as a part of the retail transaction, that part's vehicle identification number or derivative thereof.

C. This chapter shall not apply to any operations person licensed by the Commonwealth of Pennsylvania as a motor vehicle salvage dealer under the Chapter 73 of the Pennsylvania Vehicle Code. Non-auto-salvage-derived scrap operations shall be subject to regulation as a scrap metal facility.

§ 460-110. Retention of articles; permission of police for disposition; recovery of stolen goods by true owner.

A. Except as otherwise provided in this section, a scrap metal facility licensee shall retain and all scrap metal articles or material composed of copper, brass, aluminum or stainless steel that have been purchased or received by the licensee in a retail transaction, in the condition the article or material was received, until the expiration of at least seven days after the date of purchase or receipt. This required seven-day retention period does not apply to aluminum cans, motor vehicles, scrap metal articles or material other than copper, brass, aluminum or stainless steel, for which the licensee has received written permission for disposition from the Chief of Police or his designee.

B. For any article or material received for which a retention period is required under this section, the licensee shall attach a tag to the article or material in some visible and convenient place that identifies the date and transaction number applicable to that article or material, which tag shall remain attached until disposition of the article or material.

C. If the Chief of Police or his designee has probable cause to believe that an article or material is stolen property, he shall notify the licensee in writing. Upon receipt of such notice, the licensee shall retain the article or material until the expiration of 30 days after receipt of the notice, unless the Chief of Police or his designee notifies the licensee in writing that the retention of the article or material is no longer required. Upon expiration of the thirty-day period, absent renewal thereof by the Chief of Police or his designee, or the failure of the true owner to pick up the allegedly stolen property, the scrap article or material may be immediately recycled.

D. If the Chief of Police or his designee receives a report that property has been stolen and determines the identity of the true owner of the allegedly stolen property that it is in possession of the licensee, and informs the licensee of the true owner's identity, the licensee shall hold the allegedly stolen property for at least 30 days from the date of notification by the Police Chief or his designee to enable the true owner to pick up that property from the licensee. If the licensee fails or refuses to return the allegedly stolen property that has been held as required by this chapter, the true owner may recover the property from the licensee through appropriate legal action. Upon expiration of the thirty-day period, absent renewal thereof by the Police Chief or his designee, or the failure of the true owner to pick up the allegedly stolen property, the scrap article or material may be immediately recycled.

E. If the Chief of Police or his designee determines that there is a need for the investigative purposes to tag and retain certain articles or materials received from a specified person, the Chief or his designee shall notify the licensee in writing of such need and the licensee shall tag and retain said material for three days. Upon expiration of the three-day period, absent renewal thereof by the Police Chief or his designee, the scrap article or material may be immediately recycled. This tagging shall occur regardless of whether or not the licensee reported electronically.

F. A scrap metal facility licensee shall be exempt from the retention requirements contained in this chapter, provided:

(1) The licensee utilizes the automated electronic reporting system approved by the Chief of Police for all retail transactions involving scrap metal for which a retention period would otherwise be required under this section.

(2) All required data fields in the transaction report, as determined by the Chief of Police or his designee, are completed and transmitted by the licensee to the approved reporting system.

(3) The licensee takes a digital image with the date and time of such quality as is approved by the Chief of Police. The tapes or pictures must be maintained for a ninety-day period showing date and time.

§ 460-111. Purchase of certain articles restricted.

A. No scrap metal facility licensee shall purchase or receive any restricted article in a retail transaction unless at the time of the transaction the seller has received reasonable, reliable, written documentation verifying that the seller is the owner of the article, or is an employee, agent, or other person authorized to sell the article on behalf of the owner.

B. For purposes of this section, "restricted article" means all of the following: beer kegs; shopping carts; electric or communication cable or wire and their electronic components owned by a public utility, electric or communication company; grave markers, sculptures, plaques and vases, the appearance of which suggest that the articles have been obtained from a cemetery; guard rails for bridges, highways and roads; highway and street signs; streetlight poles and fixtures; manhole covers, water meter covers and other similar types of utility access covers; traffic directional and control sign and light signals; metal marked with the name of a political subdivision of the state and other articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state; historical markers.

C. No scrap metal facility licensee shall purchase or receive any consumer appliance in a retail transaction unless:

(1) At the time of the transaction the seller has received reasonable, reliable, written documentation verifying that the seller is the owner of the consumer appliance, or is an employee, agent or other person authorized to sell the consumer appliance on behalf of the owner.

(2) No more than two consumer appliances are purchased or received per seller per day.

D. For purposes of this chapter, "consumer appliance" means all of the following: air conditioners, hot water heaters, furnaces, refrigerators, freezers, stoves, clothes washers or dryers.

E. No scrap metal facility licensee shall purchase or receive any catalytic converter in a retail transaction unless:

(1) At the time of the transaction the seller has received reasonable, reliable, written documentation verifying that the seller is the owner of the catalytic converter, or is an employee, agent, or other person authorized to sell the catalytic converter on behalf of the owner.

(2) No more than one catalytic converter is purchased or received per seller per day.

§ 460-112. Purchases prohibited.

No licensee shall purchase or receive any scrap metal article or material from any person under the age of 18, or from any person identified in writing to the licensee by the Chief of Police as a known or suspected thief or receiver of stolen property, or from any person failing or refusing to provide to the licensee all the identifying information required from the seller under this chapter. Aluminum cans may be purchased from a minor without identification or reporting.

§ 460-113. Authority to conduct inspections.

A. Upon display of the proper credentials, any law enforcement officer or the designee of the Codes Enforcement Office shall be granted entry to a scrap metal facility at any time the facility is open for business for the purpose of conducting an inspection to ensure compliance with this chapter. For purposes of such inspection, the inspection official shall be granted full access by the licensee to the buildings, grounds, storage areas, vehicles and records of the licensee.

B. No person shall deny access to, or in any way impede an inspection of a licensed scrap metal facility, or any portion thereof or fail to cooperate with any party authorized to enforce this chapter and any party authorized to inspect scrap metal facilities as noted herein.

§ 460-114. Appeals.

The refusal to issue or renew, and the suspension or revocation of, a scrap metal facility license pursuant to the provisions of this chapter may be appealed to the Berks County Court of Common Pleas.

§ 460-115. Violations and penalties.

Any person violating any section or component of this chapter is guilty of a misdemeanor of the third degree and subject to the cost of prosecution and restitution. Each day that a person continues to violate this chapter shall constitute a separate and complete offense.

Chapter 467

SEWERS AND SEWAGE DISPOSAL

Part 1
Sewer Service Rental

§ 467-101. Imposition of sewer service rental; effective date.
§ 467-102. Disposition of funds collected.
§ 467-103. Sewer service rental.
§ 467-104. Sewer service rental; due date and interest penalty.
§ 467-105. Commercial and industrial properties requiring meters.
§ 467-106. Unpaid bills as liens.

Part 2
Sewer Use

§ 467-201. General provisions.
§ 467-202. General sewer use requirements.
§ 467-203. Pretreatment of wastewater.
§ 467-204. Wastewater discharge permit application.
§ 467-205. Wastewater discharge permit issuance process.
§ 467-206. Wastewater monitoring and reporting requirements.
§ 467-207. Inspection powers and compliance monitoring.
§ 467-208. Confidential information.
§ 467-209. Publication of users in significant noncompliance.
§ 467-210. Administrative enforcement remedies.
§ 467-211. Judicial enforcement remedies.
§ 467-212. Supplemental enforcement action.
§ 467-213. Affirmative defenses to discharge violations.
§ 467-214. Wastewater treatment rates.
§ 467-215. Fees.
§ 467-216. Septage discharge permit system.
§ 467-217. Interference with City property.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

Subdivision and land development — See Ch. 515.

STATE LAW REFERENCES

Sewage Facilities Act — See 53 P.S. § 750.1 et seq.

Sewage facilities program — See 25 Pa. Code § 71.1 et seq.

Septic tanks — See 25 Pa. Code § 73.31 et seq.

Tapping fees — See Third Class City Code, 53 P.S. §§ 38202 and 38214.1.

Power to charge rental — See Third Class City Code, 53 P.S. § 38211.

Collection of sewer rental — See Third Class City Code, 53 P.S. § 38214.

Sewer connections — See Third Class City Code, 53 P.S. § 38201 et seq.

Power to furnish sewerage facilities outside City — See Third Class City Code, 53 P.S. § 38250.

Wastewater treatment — See 25 Pa. Code Ch. 95.

Sewage pollution — See 35 P.S. § 691.201 et seq.

Industrial wastes — See 35 P.S. § 691.301 et seq.

Sewage disposal facilities standards — See 25 Pa. Code Ch. 73.

Part 1
Sewer Service Rental

[Adopted 12-30-1970 By Ord. No. 55-1970 (Ch. 18, Part 3, Of The 2001 Code Of Ordinances)]

§ 467-101. Imposition of sewer service rental; effective date. [Amended 12-22-2014 by Ord. No. 101-2014[1]]

A sewer service rental shall be imposed upon the owners of all properties within the City which are drained directly by the sanitary sewage system or from which sewage is transported to and treated at the sewage treatment works of the City. The sewer service rental shall be comprised of two components, a sanitary sewer rental and stormwater sewer rental. The total amount of the sewer service rental is calculated in accordance with § 467-103A through D and then allocated as a sanitary sewer rental and stormwater sewer rental as set forth in § 467-103E and F.

§ 467-102. Disposition of funds collected. [Amended 12-27-2011 by Ord. No. 73-2011; 12-22-2014 by Ord. No. 101-2014[2]]

The funds received from the collection of sewer service rental shall be deposited in the Fund 55. The sanitary sewer rental shall be transferred to the Sewer Enterprise Fund, as necessary, and used solely for the purpose of defraying the expenses of the City in the administration, operation, maintenance, repair, alteration, inspection, improvement, depreciation, amortization of indebtedness and interest thereon, arising out of or connected with the sanitary sewage and sanitary sewage disposal system of the City, in accordance with the provisions of the Act of 1935, P.L. 1286, its amendments and supplements, 53 P.S. § 2231 et seq. The stormwater sewer rental shall be used for the purpose of defraying the expenses of the City in the administration, operation, maintenance, repair, alteration, inspection, improvement, depreciation, amortization of indebtedness and interest thereon, arising out of or connected with dams and the stormwater sewer system of the City.

§ 467-103. Sewer service rental. [Amended 12-31-1975 by Ord. No. 50-1975; 9-29-1976 by Ord. No. 29-1976; 4-25-1979 by Ord. No. 10-1979; 4-1-1982 by Ord. No. 13-1982; 12-31-1986 by Ord. No. 113-1986; 3-1-1995 by Ord. No. 26-1995; 9-27-1995 by Ord. No. 98-1995; 12-13-2004 by Ord. No. 53-2004; 12-15-2006 by Ord. No. 102-2006; 12-27-2011 by Ord. No. 73-2011; 12-9-2013 by Ord. No. 81-2013]

A. The sewer service rental is divided into a meter service charge and a volumetric service charge for properties with a water meter. 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 150% of the fixed or flat water rates assessed to such property by the Reading Area Water Authority or its successor.

B. 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 Table 1, below:

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1. **Editor's Note: This ordinance provided an effective date of 1-1-2015.**
2. **Editor's Note: This ordinance provided an effective date of 1-1-2015.**

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

C. 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.

(1) For properties with a water meter equal to five-eighths-inch, a uniform volumetric rate per 1,000 gallons of water consumed shall be charged as the volumetric service charge.

(2) For properties with water meter larger than five-eighths-inch, a tiered rate structure per 1,000 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

D. The meter service charge and volumetric service charge shall be increased on January 1 of each calendar year in accordance with schedules set forth in Tables 1 and 2.

E. Allocation of sanitary sewer rental. The sanitary sewer rental shall equal 93% of the total sewer service rental. **[Added 12-22-2014 by Ord. No. 101-2014[3]]**

F. Allocation of stormwater sewer rental. The stormwater sewer rental shall equal 7% of the total sewer service rental. **[Added 12-22-2014 by Ord. No. 101-2014[4]]**

§ 467-104. Sewer service rental; due date and interest penalty. [Amended 9-29-1976 by Ord. No. 29-1976; 4-25-1979 by Ord. No. 10-1979; 4-1-1982 by Ord. No. 13-1982; 12-31-1986 by Ord. No. 113-1986; 12-13-2004 by Ord. No. 53-2004; 12-15-2006 by Ord. No. 102-2006; 12-27-2011 by Ord. No. 73-2011; 12-9-2013 by Ord. No. 81-2013]

A. Bills for sewer service rentals shall be rendered on a monthly. All sewer service rentals shall be due and payable to the City within 30 days of the issuance of a bill.

B. A penalty of 10% shall be added to bills not paid by the due date printed on the bills, which date shall be 30 days after date of issuance of such bills.

C. 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.

§ 467-105. Commercial and industrial properties requiring meters. [Added 1-27-1971 by Ord. No. 4-1971; amended 12-31-1975 by Ord. No. 50-1975]

A. Where commercial and industrial properties using City water do not discharge all or part of such water into the City sewage disposal system, the amount of such water may be excluded in determining the sewage service rental, providing the minimum sewage service rental is not reduced thereby. To determine the amount of such exclusion, the consumer

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3. Editor's Note: This ordinance provided an effective date of 1-1-2015.

4. Editor's Note: This ordinance provided an effective date of 1-1-2015.

shall, at his own expense, install a meter or measuring device satisfactory to the City, provided that if, in the opinion of the City, it is not feasible to install a meter or measuring device, some other satisfactory method of measuring may be designated by the City.

B. For commercial and industrial properties which use other than City supplied water, the rental for sewage disposal service shall be based upon the quantity of water discharged into the sewer system. A meter or other measuring device satisfactory to the City shall be installed by the consumer, at his own expense, and the charge for such service shall be comparable to that charged for sewage disposal service for City water having a meter of equal size.

C. A penalty of 10% shall be added to bills not paid within 30 days from the presentation thereof. Sixty days after receipt, all unpaid bills, exempting cases where a repayment schedule has been approved by the City, will be subject to civil and/or criminal action(s) with all applicable charges and fees incurred by the City being applied to the debt. **[Amended 8-26-2013 by Ord. No. 35-2013]**

§ 467-106. Unpaid bills as liens.

The sewer service rental, if not paid to the City Treasurer one year after the gross bill shall be due and payable, shall be certified by the City Treasurer to the City Solicitor for collection and lien.

Part 2
Sewer Use

[Adopted 5-26-1998 By Ord. No. 17-1998 (Ch. 18, Part 1, Of The 2001 Code Of Ordinances)]

§ 467-201. General provisions.

A. Purpose and policy.

(1) This Part sets forth uniform requirements for users of the publicly owned treatment works for the City of Reading, Pennsylvania, and enables the City to comply with all applicable state and federal laws, including the Clean Water Act, 33 U.S.C. § 1251 et seq., and the General Pretreatment Regulations, 40 CFR Part 403, and amendments, thereto. The objectives of this Part are:

(a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.

(b) To prevent the introduction of pollutants into publicly owned treatment works that will prevent or restrict the beneficial reuse of the resulting sludge from the wastewater treatment process.

(c) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works.

(d) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

(e) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works.

(f) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works.

(g) To enable the City of Reading to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

(2) This Part shall apply to all users of the City of Reading publicly owned treatment works and to persons outside the City who are, by contract or agreement with the City, users of the City publicly owned treatment works. The Part authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This Part supersedes Ordinance Nos. 61-84, 1-87, 104-89, 7-94, and 48-86, as amended, and provisions of those ordinances are null and void where they conflict with specifics contained herein.

B. Administration.

(1) This Part provides for the regulation of contributors to the POTW and wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for users, authorizes monitoring, compliance, and enforcement activities; requires user reporting; assumes that existing customer's capacity will not be preempted; and provides for the setting of fees for their equitable distribution of costs resulting from the program established herein.

(2) This Part shall apply to all users of the POTW. Except as otherwise provided herein, the Industrial Waste Administrator shall administer, implement, and enforce the provisions of this Part. Any powers granted to or duties imposed upon the Industrial Waste Administrator may be delegated by the Industrial Waste Administrator to other City personnel or to the City's authorized agent.

C. Abbreviations and acronyms. The following abbreviations or acronyms shall have the designated meanings:

APR — Average percentage rate

ASTM — American standard testing materials

BAT — Best available treatment

BATEA — Best available technology economically achievable

BCT — Best control technology

BMP — Best management practices

BMR — Baseline monitoring report

B/N — Base/neutral

BOD — Biochemical oxygen demand

BPJ — Best professional judgment

BPT — Best professional technology

CERCLA — Comprehensive Environmental Response, Compensation and Liability Act

CFR — Code of Federal Regulations

CIU — Categorical industrial user

COD — Chemical oxygen demand

CSO — Combined sewer overflow

CWA — Clean Water Act

CWF — Combined waste stream formula

DMR — Discharge monitoring report

DSS — Domestic sewage study

EMS — Enforcement management system

EP — Extraction procedure

EPA — Environmental Protection Agency of the United States

ERP — Enforcement response plan

FDF — Fundamentally different factor

FOV — Finding of violation

FOG — Fats, oil and grease

FR — Federal Register

FTE — Full-time equivalent

FWA — Flow-weighted averaging

FWPCA — Federal Water Pollution Control Act

GC/MS — Gas chromatograph mass spectrophotometry

gpd — Gallons per day

I + I — Infiltration and inflow

IU — Industrial user

IWA — Industrial Waste Administrator

IWS — Industrial waste survey

MAHL — Maximum allowable headworks loading

MGD — Million gallons per day

mg/l — Milligrams per liter

MOU — Memorandum of understanding

MSDS — Material safety data sheet

NH3-N — Ammonia (NH3) expressed as nitrogen (N)

NIOSH — National Institute of Occupational Safety and Health

NMP — National municipal policy

NPDES — National pollutant discharge elimination system

NON — Notice of noncompliance

NOV — Notice of violation

OCPSF — Organic chemicals, plastics and synthetic fibers

O&G — Oil and grease

O&M — Operations and maintenance

OSHA — Occupational Safety and Health Administration

OWEC — Office of Water Enforcement and Compliance

PAD — Proportioned actual domestic flow

PaDEP — Pennsylvania Department of Environmental Protection

PAH — Polynuclear aromatic hydrocarbons

PAI — Proportioned actual industrial flow

PASS — Pretreatment audit summary system

PCB — Polychlorinated biphenols

PCI — Pretreatment compliance inspection

PCME — Pretreatment compliance monitoring enforcement

PCS — Permit compliance system

PIRT — Pretreatment Implementation Review Task Force

POTW — Publicly owned treatment works

ppd — Pounds per day

ppm — Parts per million

ppb — Parts per billion

PPETS — Pretreatment permits enforcement tracking system

PQR — Permit quality review

PSNS — Pretreatment standards for new sources

PSES — Pretreatment standards for existing sources

QAQC — Quality assurance quality control

QNCR — Quarterly noncompliance report

RCRA — Resource Conservation and Recovery Act

RNC — Reportable noncompliance

SARA — Superfund Amendments and Reauthorization Act

SIC — Standard industrial classification

SIU — Significant industrial user

SMP — Solvent management plan

SNC — Significant noncompliance

SPCC — Spill prevention control and countermeasures

SPMS — Strategic planning and management system

STP — Sewage treatment plant

STLC — Soluble threshold limit concentration

SU — Standard units

SUO — Sewer Use Ordinance [this Part]

SWDA — Solid Waste Disposal Act

TCLP — Toxicity characteristic leachate procedure

TDS — Total dissolved solids

TICH — Total identifiable chlorinated hydrocarbons

TOMP — Toxic organic management plan

TRC — Technical review criteria

TRE — Toxicity reduction evaluation

TSS — Total suspended solids

TTO — Total toxic organics

TTLC — Total threshold limit concentration

USC — United States Code

ug/1 — micrograms per liter

VOA — Volatile organic analysis

VOC — Volatile organic compounds

VSS — Volatile suspended solids

WENDB — Water enforcement national data base

WEF — Water Environment Federation

WQA — Water Quality Act

WQS — Water quality standard

WWTP — Wastewater treatment plant

D. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part, shall have the meanings hereinafter designated:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The EPA Regional III Administrator.

APPURTENANCE — Auxiliary structures attached to a sewer which shall include, but not be limited to, pump stations, slots, regulators, outfalls, force mains, manholes, catch basins, tide gates, monitoring devices and metering chambers.

AUTHORIZED EMPLOYEES OR AGENTS OF THE CITY — A person who by reason of his or her general position or job description with the City has specific duties and responsibilities to perform on behalf of the City. Also included are agents of the City who are authorized by the IWA to act on behalf of the City through an authorization letter.

AUTHORIZED REPRESENTATIVE OF THE USER —

(1) If the user is a corporation:

(a) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decisionmaking functions for the corporation.

(b) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship; a general partner or proprietor, respectively.

(3) If the user is representing federal, state or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

(4) The individuals described in Subsections (1) through (3) above may designate another authorized representative if said authorization is submitted to the City in writing and specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters of the company.

BATCH DISCHARGE — The discharge of all or part of the contents of a tank that occurs intermittently or over a short period of time.

BIOCHEMICAL OXYGEN DEMAND or BOD — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° C., usually expressed as a concentration (e.g., mg/l).

BIOLOGICALS — Preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing or treating humans or animals or in research pertaining thereto.

BLOOD PRODUCTS — Any products derived from human blood, including but not limited to whole blood, blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.

BODY FLUIDS — Liquids emanating or derived from humans including blood products, cerebrospinal, pleural, peritoneal and pericardial fluids and amniotic fluids and semen and vaginal secretions but excluding feces, urine, nasal secretions, sputum, sweat, tears, saliva and breast milk, unless any such excluded substance contains visible blood or is isolation waste.

BUILDING DRAIN — That part of the lowest horizontal piping within a building that carries water, wastewater or stormwater to a building sewer.

BUILDING SEWER — The extension from the building drain to the public sewer, or other place of disposal. Also referred to as "house connection."

BYPASS — The intentional or unintentional diversion of waste streams from any portion of a user's treatment facility.

CHAIN OF CUSTODY — Written documentation such as receipts and record book entries to show the history of possession, custody and/or control of a sample from collection through analysis.

CHEMICAL OXYGEN DEMAND (COD) — A measure of the amount of oxygen required to oxidize organic and oxidizable inorganic compounds in water.

CHLORINE DEMAND — The quantity of chlorine absorbed in water, sewage or other liquids, allowing a residual of 0.1 mg/l, after 15 minutes of contact.

CITY — The City of Reading, Pennsylvania. The agent of the City who is authorized by this Part to implement the City's industrial pretreatment program shall be the Industrial Waste Administrator.

COLLECTION FACILITIES — The sewers, lift stations, and other City facilities used to collect wastewaters from individual users within specific tributary districts and transport them to conveyance facilities for transmission to the treatment plant for processing.

COLOR — As analyzed by methods specified by 40 CFR, Part 136.

COMMERCIAL USER — A source of discharge of wastewater to the City sewer system from premises used partially or entirely for commercial purposes.

COMPOSITE SAMPLE — The sample collection technique resulting from the combination of individual wastewater grab samples taken at selected intervals based on either an increment of flow or time.

CONTACT COOLING WATER — Any water used for cooling purposes which comes into direct contact with the object being cooled such as any raw material, intermediate product, waste product or finished products.

CONTROL AUTHORITY — Shall refer to the City or the City of Reading POTW.

CONVENTIONAL WASTEWATER POLLUTANTS — Pollutants so designated in accordance with § 304(a)(4) of the Act as being effectively managed by secondary treatment as defined by 40 CFR, Part 133.

DAILY MAXIMUM — The maximum allowable discharge of a pollutant during a calendar day. Where maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant derived from all measurements taken that day.

DIRECT CONNECTION — The connection of a building sewer directly to a sewer owned by the City.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

DISCHARGE — The introduction of wastewater, water, and/or pollutants into the City's facilities from any source.

DOMESTIC WASTE — The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments. Also known as "sewage."

EASEMENT — The acquired legal right to use land owned by others for a specific purpose.

ENFORCEMENT RESPONSE PLAN — A plan which sets forth the City's enforcement response to violations of this Part, as required by 40 CFR, Part 403.

ENVIRONMENTAL PROTECTION AGENCY or EPA — Shall refer to the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, or other duly authorized official of said agency.

EXISTING SOURCE — Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with § 307 of the Act.

FACILITY OR FACILITIES — See "wastewater facilities."

FLASHPOINT — The temperature at which a liquid or volatile solid gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the test vessel. Flashpoint is determined by the test methods set out in 40 CFR 261.21.

GARBAGE — Shall include, but not be limited to, the wastes resulting from the handling, preparation, cooking and serving of food, and from the handling, storage and sale of product.

GARBAGE DISPOSAL UNIT or GARBAGE GRINDER — A mechanical device used for grinding, shredding or macerating garbage to a small particle size before discharge to the sewer.

GRAB SAMPLE — A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

GREASE — A substance which tests positive in the standard analytical method used for this parameter. Grease may be composed of volatile and nonvolatile residual fats, oils, fatty acids, soaps, waxes, mineral oils and other materials of similar composition.

GREASE REMOVAL DEVICE — A device for removal of grease and/or oil from a wastewater discharge.

HOLDING TANK WASTE — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT CONNECTION — A building sewer connection that is not a direct connection; and whose wastewater discharge shall, notwithstanding the passage in its normal course through other sewers or conduits, ultimately discharge in whole or in part through City sewers.

INDIRECT DISCHARGE or DISCHARGE — The discharge or the introduction of pollution from any nondomestic source regulated under § 307(b), (c) or (d) of the Act, 33 U.S.C. § 1317, into the POTW (including holding tank waste discharge into the system).

INDUSTRIAL ESTABLISHMENT — Any improved property used, in whole or in part, for manufacturing, processing, cleaning, laundering, or assembling any product, commodity or article; or from which any process waste, as distinct from sewage, shall be discharged.

INDUSTRIAL USER — A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to § 402 of the Act. In addition, "industrial user" shall also be defined as an establishment which discharges or introduces industrial waste into the POTW.

INDUSTRIAL WASTE — Shall have the meaning ascribed to it in the Act of June 22, 1937, P.L. 1987, No. 394, known as the "Clean Streams Law,"[5] and the regulations adopted thereunder.

INDUSTRIAL WASTE ADMINISTRATOR (IWA) — The person designated by the City to administer its industrial waste program and who is charged with certain duties and responsibilities by this Part or his/her duly authorized representative.

INFECTIOUS WASTES — Wastewater contaminated by or containing any agent or organism, such as a virus or a bacteria, capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT — The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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5. Editor's Note: See 35 P.S. § 691.1 et seq.

INTERFERENCE — A discharge, which alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and (2) therefore, is a cause of a violation of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory regulatory provisions or permits issued thereunder, or any more stringent state or local regulations; § 405 of the Act, the Solid Waste Disposal Act, including Title II, commonly referred to as the "Resource Conservation and Recovery Act" (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

ISOLATION WASTE — Biological waste and discarded materials contaminated with blood, excretion, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases and specified by the Center for Disease Controls (CDC) as classification 4.

MANHOLE — A shaft or chamber leading from the surface of the ground to a sewer; large enough to enable a person to gain access to the sewer.

MAY — Is permissive; "shall' is mandatory.

MEDICAL WASTE — Any solid waste which is generated in the diagnosis, treatment (e.g., provisions of medical services), or immunization of human beings or animals in research pertaining thereto, or in the production or testing of biologicals.

MONTHLY AVERAGE — The arithmetic mean of the values for effluent samples collected over a calendar month.

MUNICIPALITY — Any City, borough, township, municipal authority, county, county authority, state authority or sewer district that discharges wastewater into the sewers owned by the City.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD — Any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§ 307(b) and (c) of the Act, 33 U.S.C. § 1317, which apply to a specific category of users and which appear in 40 CFR, Chapter 1, Subchapter N, Parts 405 through 471.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT — A permit issued pursuant to § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the Authority of § 301(b) of the Act and 40 CFR 403.5.

NONSIGNIFICANT INDUSTRIAL USER — A user designated as such by the IWA based on the user's discharge quantity and quality. Such users may include but are not limited to commercial users, medical officers (doctor, dentist, etc.), garages and auto repair facilities, funeral parlors, and laboratories. The ultimate determination of the status of nonsignificant industrial user is within the discretion of the IWA pursuant to the terms and conditions of this Part.

NEW SOURCE —

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located;

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on site construction program:

[1] Any placement, assembly, or installation of facilities or equipment;

[2] Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies to not constitute a contractual obligation under this subsection.

NONCONTACT COOLING WATER — Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

OUTFALL — The mouth of a sewer, drain or conduit where an effluent is discharged into the receiving waters, or discharged into the POTW collection system.

OWNER or OPERATOR — Any person who owns, leases, operates, or controls or supervises a source.

PASS-THROUGH — A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

PERMITTEE — The City of Reading POTW.

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH — A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT — Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

POLLUTION — The man-made, or man induced alteration of the chemical, physical, biological or radiological integrity of water.

PRETREATMENT or TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment imposed on a user, including a pretreatment standard or procedural provision of the Federal Water Pollution Control Act (62 Stat. 115, 33 U.S.C. § 1251 et seq.) or the Act of June 22, 1937, P.L. 1987, No. 394, known as the "Clean Streams Law," or any rule or regulation, ordinance or term or condition of a permit or order adopted or issued by the commonwealth or a POTW for the implementation or enforcement of an industrial waste pretreatment program established under the Federal Water Pollution Control Act or the Clean Streams Law.

PRETREATMENT STANDARDS or STANDARDS — Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — The absolute or conditional prohibition from discharge of a substance, group of substances or type of substance as defined in § 467-202A of this Part.

PUBLICLY OWNED TREATMENT WORKS or POTW — A treatment works as defined by § 212 of the Act, 33 U.S.C. § 1292, which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

POTW TREATMENT PLANT — That portion of the POTW designed to provide treatment to wastewater.

REGULATED MEDICAL WASTE — A special category of solid waste that includes specific types of medical waste that includes solid, semisolid, or liquid materials, but does not include domestic sewage materials. This waste is subject to the handling and tracking requirements of Pennsylvania Department of Environmental Protection. Categories of regulated medical waste are defined as blood, blood products, body fluids, contaminated sharps, discarded cultures and stocks of infectious agents and associated biologicals, isolation wastes, pathological waste and oncological waste.

RESIDENTIAL USERS — Persons only contributing sanitary wastewater to the municipal wastewater system.

SANITARY SEWER — A sewer that is designed to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface wastes that are not discharged intentionally.

SEPTIC TANK WASTE — Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

SEWAGE — Human excrement and gray water (household showers, dish-washing operations, etc.).

SEWER — A pipe or conduit, and other appurtenance provided to carry wastewater or stormwater.

SHALL — Is mandatory; "may" is permissive.

SIGNIFICANT INDUSTRIAL USER —

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE — An industrial user is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR 403.8(f)(2)(vii). For purposes of this definition, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other discharge violation that has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;

(4) Any discharge or pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance, including failure to report and resample in accordance with § 467-206H; or

(8) Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

SLUDGE — The solids, residues, and precipitate separated from wastewater by the unit processes of a publicly owned treatment works or industrial pretreatment systems.

SLUG LEAD or SLUG — Any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge standards in § 467-202 of this Part.

SOURCE — Any building, structure, facility or installation from which there is or may be the discharge of pollutants.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE — A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STANDARD METHODS — Methods for the examination of water and wastewater published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

STATE — Commonwealth of Pennsylvania.

STORM SEWER — A sewer that carries stormwater and other wash waters or drainage, but excludes domestic, sanitary, commercial, and industrial wastes. Also called a "storm drain."

STORMWATER — Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SURFACE WATER POLLUTANT — Stormwater or other wash water or drainage carrying any pollutants which affect the characteristics of wastewater.

SUSPENDED SOLIDS — The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering in accordance with EPA laboratory procedures (40 CFR, Part 136).

SUPERINTENDENT — The person designated by the City to supervise the operation of the POTW or his/her duly authorized representative.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA § 307(a) or other Acts.

TREATMENT PLANT EFFLUENT — Any discharge of pollutants from the City's facilities into wastes of the state.

TURBIDITY — A condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays and determined by measurements of light diffraction, usually reported in arbitrary turbidity units.

USER or INDUSTRIAL USER — Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

WASTEWATER — The spent water of the community. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, institutions and governmental facilities whether treated or untreated, which are contributed to the POTW.

WASTEWATER FACILITIES (FACILITIES) — The structures, equipment, and processes required for the collection, treatment, and disposal of wastewater and sewage sludge which are owned and operated by the City.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT — That portion of the POTW which is designed to provide treatment of wastewater and sewage sludge sometimes used as synonymous with waste treatment plant, sewage treatment plant, or wastewater treatment works.

WATERS OF THE STATE or WATERS OF THE COMMONWEALTH — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

ZERO DISCHARGE WASTEWATER PRETREATMENT SYSTEM — A wastewater pretreatment system with no discharge to the sewer system.

§ 467-202. General sewer use requirements. [Amended 10-28-2002 by Ord. No. 55-2002]

A. Prohibited discharge standards.

(1) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(2) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(a) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21.

(b) Wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment.

(c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or flushings, entrails, whole blood, medical waste, feathers, ashes, cinders, sand, stone or marble dust, metal, glass, straw, shavings grass clippings, rags, spent grains, spent hops, wastepaper, paper dishes, cups, milk containers, lime slurries, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Pollutants, including oxygen-demanding pollutants (BOD etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

(e) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F. (40° C.).

(f) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(g) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.

(h) Trucked or hauled pollutants, except at discharge points designated by the City in accordance with § 467-216 of this Part.

(i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, odor problem, or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

(j) Wastewater with a true color in excess of 100 platinum cobalt units, except by dischargers with a higher limit specified in their permit.

(k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations or any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal laws or regulations.

(l) Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, and noncontact cooling water, unless specifically authorized by the City.

(m) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(n) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

(o) Any garbage that has not been properly shredded to at least particles less than 1/2 inch in any dimension. Garbage grinders may be connected to public sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers, providing that all requirements of applicable City ordinances are satisfied.

(p) Chlorine demand in such quantities as to constitute a significant load on the wastewater facilities or which may cause the effluent from the City's wastewater treatment facilities to violate any state or federal rules, regulations, or permit requirements including, but not limited to, National Pollutant Discharge Elimination System (NPDES) permits.

(q) Concentrations of BOD or TSS or NH3-N which exceed specific threshold values without payment of a surcharge to cover the additional costs of treatment. The current threshold value for BOD is 300 mg/L and for TSS is 325 mg/l and for NH3-N is 20 mg/l. Payment of a surcharge does not prevent the City from initiating any actions available under § 467-202G below, when the City determines that any other general discharge limitations are violated. Furthermore, payment of a surcharge shall not constitute an affirmative defense to any action taken pursuant to § 467-202G below.

(r) Any substance which may cause the POTW's residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act; any criteria, guidelines, or regulations developed under § 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other federal or state criteria applicable to the sludge management method being used.

(s) Slugs as defined in § 467-201D.

(t) Isolation wastes or regulated medical waste (see definitions under § 467-201D).

(u) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter. Materials include but are not limited to: gasoline, benzene, naphtha, fuel oil, paint products, kerosene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, or any other flammable or explosive substances which the City, the Pennsylvania Department of Environmental Protection, or the Environmental Protection Agency has notified the user is a fire hazard or a hazard to the City POTW.

(v) Discharges prohibited by state or federal regulations.

(w) When the City determines that a user(s) is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the City may:

[1] Advise the user(s) of the impact of the contribution on the POTW;

[2] Develop effluent limitation(s) for such user to correct the interference with the POTW; or

[3] Proceed with enforcement pursuant to the provisions of this Part.

(x) Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in a manner that they could be discharged to the POTW.

(y) Wastewater in excess of 100 mg/l total oil and grease of animal or vegetable origin, except by discharges with a lower limit specified in their permit. The City reserves the right to require testing by the EPA Method 1664, N-Hexane Extractable Material (HEM).

(z) Wastewater in excess of 25 mg/l of oil and grease of petroleum or mineral oil origin except by dischargers with a higher or lower limit specified in their permit. The City reserves the right to require oil and grease testing for nonpolar constituents by EPA methods employing silica gel treated n-hexane extractable material (EPA Method 1664, SGT-HEM; nonpolar material).

B. National categorical pretreatment standards. The categorical pretreatment standards found at 40 CFR, Chapter 1, Subchapter N, Parts 405 through 471, are hereby incorporated.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the City shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

C. Local limits.

(1) Limits for discharging pollutants which are of concern to the POTW will be made using headworks loading analyses which have been reviewed and approved by the EPA. Limits may be in the form of monthly average concentration, daily maximum concentration, or instantaneous maximum concentration. Limits will be contained in the wastewater discharge permits issued. The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The City may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(2) The City's objective in setting the limits is to restrict industrial waste discharges to the above described concentrations which will not harm either the sewer system or the treatment plant, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, or public property or constitute a nuisance. The City may set lower or higher limitations in specific cases if, in the opinion of the City, said actions will be consistent with the above stated objective. In the setting of such lower or higher limitations, the City will give consideration to such factors as the volume of wastewater flow in relation to flows and velocities in the sewers, degree of treatability of the waste, and other pertinent factors. The City reserves the right to reevaluate and revise the limitations as needed. All local limit changes will be submitted to the approval authority for approval. The more stringent of EPA or Commonwealth of Pennsylvania requirements and limitations shall apply in any case where either is more stringent than those presently in force.

(3) An industrial user classified as a categorical industrial user shall be required to meet the EPA categorical standards, if such standards are more stringent than the local discharge limitations.

D. State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Part.

E. Right of revision. The City reserves the right to establish by ordinance limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 467-201A of this Part.

F. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

G. Remedies. If any wastewater is discharged or is proposed to be discharged to the wastewater facilities in violation of the limitations or prohibitions described in § 467-202, the City may:

(1) Reject the wastes.

(2) Require surcharge payments to be made to the City to cover its added cost of handling, monitoring, and treating the wastes which exceed threshold values in accordance with rates set and approved by the City.

(3) Revoke a discharger's permit.

(4) Recover any and all actual costs expended by the City in correcting any problems caused by discharges in violation of this Part.

(5) As authorized by this Part, take any other administrative sanctions, enforcement actions, and remedial actions as may be desirable, necessary, or permitted to achieve the purpose of this Part.

H. Accidental discharges.

(1) Each user shall provide protection from accidental discharge of prohibited or other substances regulated by this Part. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. No user shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the City of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(2) Written notice. Within five days following an accidental discharge; the user shall submit to the City a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedures.

§ 467-203. Pretreatment of wastewater.

A. Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 467-202A of this Part within the time limitations specified by EPA, the state, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be

submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Part. The issuance of any permit by the City for pretreatment facilities pursuant to this Part does not constitute an approval of the design of any such pretreatment system. The user remains responsible for the design, construction, operation and maintenance of an acceptable pretreatment facility. The City shall have no responsibility or liability to any user whose system fails for any reason whatsoever to produce a discharge acceptable to the City.

B. Additional pretreatment measures.

(1) Whenever deemed necessary and with reasonable justification, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part.

(2) Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. Maintenance records shall be made available to the City upon request.

(3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

C. Accidental discharge/slug control plans. At least once every two years, the City shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The City may require any user to develop, submit for approval, and implement such a plan. Alternatively, the City may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including nonroutine batch discharges.

(2) Description of stored chemicals that have the reasonable potential to discharge to the POTW.

(3) Procedures for immediately notifying the City of any accidental or slug discharge, as required by § 467-206F of this Part.

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

D. Installation of zero-discharge pretreatment system. Prior to installation of a zero-discharge pretreatment system, the user must submit a zero-discharge pretreatment system design plan for City acceptance. In order to obtain City acceptance, the user must demonstrate that he or she will provide full pretreatment of all wastewater and will cease to discharge process wastewater to the facilities by an effective date prescribed by the City and the user must obtain a zero-discharge permit from the City.

§ 467-204. Wastewater discharge permit application.

A. Wastewater discharges. It shall be unlawful to discharge to the POTW any wastewater except as authorized by the City in accordance with the provisions of this Part, subject to state and federal laws and regulations.

B. Wastewater analysis. When requested by the City, a user must submit information on the nature and characteristics of its wastewater within 90 days of the request. The City is authorized to prepare a form for this purpose and may periodically require users to update this information.

C. Wastewater discharge permit requirement.

(1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City, except that a significant industrial user that has filed a timely application pursuant to § 467-204D of this Part or the previous Ord. No. 61-1984 may continue to discharge for the time period specified therein.

(2) The City may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part.

(3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subjects the wastewater discharge permittee to the sanctions set out in §§ 467-210 through 467-212 of this Part. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(4) No permit holder shall discharge industrial wastewater in excess of the quantity, rate of discharge, concentrations or any other limits specified in the permit. Any person desiring to modify his or her permit must first apply for an amended permit.

D. Wastewater discharge permitting: existing connections. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part, and does not have a permit currently, and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the City, for a wastewater discharge permit in accordance with § 467-204F of this Part, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this Part except in accordance with a wastewater discharge permit issued by the City.

E. Wastewater discharge permitting: new connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 467-204F of this

Part, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

F. Wastewater discharge permit application contents. All users required to obtain a wastewater discharge permit must submit a permit application. The City may require all users to submit as part of an application the following information:

(1) All information required by § 467-206A(1) of this Part.

(2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

(3) Number of employees, hours of operation, and proposed or actual hours of operation.

(4) Each product produced by type, amount, process or processes, and rate of production.

(5) Type and amount of raw materials processed (average and maximum per day).

(6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge and pretreatment system plans.

(7) Time and duration of discharges.

(8) Wastewater constituents and characteristics. Sampling and analysis shall be performed in accordance with § 304(g) of the Act and 40 CFR, Part 136, as amended.

(9) The name and concentration of any pollutants in the discharge, the number of sampling events shall be determined by the City; and a written statement as to whether or not applicable pretreatment standards are being met, and if not, whether additional in-plant modification and additional pretreatment is required for the user to meet such applicable pretreatment standards.

(10) If additional pretreatment or in-plant modification will be required to meet the pretreatment standards, the user will provide a schedule by which to achieve the standards in a timely manner. The schedule will be reported as the pretreatment compliance schedule. The following conditions shall apply to this schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction). No increment shall exceed nine months.

(b) Not later than 14 days following each completion date in the schedule, the user shall submit a progress report to the City including, at a minimum, whether or not he or she complied with the increments of progress. If such increment of progress was not completed on time, the user shall also report the date on which he or she expects to complete the increment of progress, the reason for the delay, and the steps being taken by the user to return to the schedule established. In no event shall completion dates be more than nine months apart.

(11) Information on the disposal of substances to the POTW which are considered hazardous under 40 CFR, Part 261.

(12) Signatory requirements.

(13) Applicable fees.

(14) Any other information as may be deemed necessary by the City to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

G. Application signatories and certification. All wastewater discharge permit applications, user reports and inspection reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Wastewater discharge permit decisions.

(1) The City shall evaluate the data furnished by the user and may require additional information. Based on the application, the City may issue a wastewater discharge permit subject to the terms and conditions enumerated in the permit.

(2) The City may deny a request for a permit when the information supplied indicates the user will be unable to reasonably meet the City's standards. Any person denied a permit may request a hearing in accordance with the provisions of § 467-212G.

§ 467-205. Wastewater discharge permit issuance process.

A. Wastewater discharge permit duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years at the discretion of the City. Each wastewater discharge permit will indicate a specific date upon which it will expire. The permit may be administratively extended by the City as long as the duration of the permit does not exceed five years.

B. Wastewater discharge permit contents. Wastewater discharge permits shall be expressly subject to specific permit provisions contained therein as well as to provisions of this Part and all other regulations, user charges and fees established by the City. Wastewater discharge permits may include such conditions as are reasonably deemed necessary by the City to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the City's collection system and POTW. Such conditions may include, but are not limited to, the following:

(1) Wastewater discharge permits must contain:

(a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with § 467-205E of this Part, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(c) Effluent limits based on applicable pretreatment standards; the average and or maximum wastewater constituents permitted in the wastewater discharge.

(d) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law, and reporting frequency.

(e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum volume or rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(c) Requirements for the development and implementation of spill and slug prevention, control plans, solvent management plans, toxic organic management plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(g) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(h) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

(i) Compliance schedules.

(j) Provisions for authorized City employees and agents to enter and inspect the premises, including provisions for copying records, inspecting monitoring equipment and sampling effluent.

(k) Compliance with federal, state and other government laws, rules and regulations.

(l) Signatory requirements.

(m) Other conditions as deemed appropriate by the City to ensure compliance with this Part, and state and federal laws, rules and regulations.

(3) The zero-discharge permit may require, among other things, that:

(a) The zero discharge system be installed as proposed and be fully operational.

(b) All sewer drain lines in the facility be capped off and sealed.

(c) The user notify the City in writing, and obtain a revised wastewater discharge permit from the City before resuming discharge if he/she wishes to reconnect to the sewer.

(d) City personnel be authorized to enter such premises without delay and at reasonable times for the purpose of inspection and as otherwise authorized by this Part.

(4) The nonsignificant user permit may include the items listed in Subsection B(1) and (2).

C. Wastewater discharge permit reconsideration. The City may provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

(1) Failure to submit a timely written request for review shall be deemed to be a waiver of the administrative appeal.

(2) The petitioner, in its written request, must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) Written request.

(a) During the pendency of a written request for a reconsideration and/or an appeal, the effective date of the wastewater discharge permit shall be stayed; provided, however, that the City shall have the right to take any and all steps necessary to cause a cessation of any discharge which would cause an immediate threat to the health and safety of any person and/or would constitute a threat to the integrity of the sanitary sewer system or the POTW.

(b) This section shall only be operative to stay the effective date of the wastewater discharge permit where the City has affirmatively responded to the application and granted a stay for such reasonable time as the City deems necessary to consider the requests for reconsideration and/or appeal and, furthermore, said

stay of the permit shall only be effective for the specific provisions of the permit which have either been appealed and/or a request for reconsideration has been submitted by the applicant. The request for reconsideration and/or appeal shall not be considered a stay of the entire permit, but only for those specific sections of the permit from which the applicant is seeking relief.

(4) The City shall act on the written request within a reasonable time period, not to exceed 90 days. The City's decision not to consider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered a final administrative action provided that the petitioner may file an appeal pursuant to § 467-212G hereunder.

D. Wastewater discharge permit modification.

(1) The City may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state or local pretreatment standards or requirements.

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(d) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel or the receiving waters.

(e) Violation of any terms or conditions of the wastewater discharge permit.

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

(h) To correct typographical or other errors in the wastewater discharge permit.

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(2) A user may apply for modification of a discharge permit by filing a new application form showing substantial significant and material changes that have been proposed since filing the original application. No application for modification will be considered unless it demonstrates such changes.

(3) After a review of the application and inspection of the facility, the City may, at its discretion, modify the original permit. If such application is rejected, the existing permit shall remain in full force and effect.

(4) The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the

permit shall include a hearing on modifications to his or her permit in accordance with the provisions of § 467-212.

E. Wastewater discharge permit transfer.

(1) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days' advance notice to the City and the City approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

(b) Identifies the specific date on which the transfer is to occur.

(c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(2) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

F. Wastewater discharge permit revocation.

(1) The City may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) Failure to provide prior notification to the City of changed conditions pursuant to § 467-206E of this Part.

(b) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

(c) Falsifying self-monitoring reports.

(d) Tampering with monitoring equipment.

(e) Refusing to allow the City timely access to the facility premises and records.

(f) Failure of the user to meet the effluent limitations contained in the wastewater discharge permit.

(g) Failure to pay fines after the appeal process has been exhausted.

(h) Failure to pay sewer charges.

(i) Failure to meet compliance schedules.

(j) Failure to complete a wastewater survey or the wastewater discharge permit application.

(k) Failure to provide advance notice of the transfer of business ownership of a permitted facility.

(l) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part.

(2) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

G. Wastewater discharge permit reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 467-204F of this Part, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit. Having met this requirement, the user's existing permit shall remain in effect until a new permit is issued.

H. Reinstatement of permit. Before any further discharge of industrial wastewater may be made by a user whose permit has been revoked, the user must apply for, and be granted, a reinstatement of the terminated permit, or a new permit, as the City may require, and pay any delinquent fees and all fines, charges, and other costs occasioned by the violation. Costs shall include, but not be limited to, inspection, monitoring, sampling and related expenses; restitution to other affected parties; reasonable attorney's fees incurred by the City in enforcing the permit; disconnecting and reconnecting the user to the facility; and other actual damages incurred due to the violation; provided that where there is a bona fide dispute between the user and any other affected party, the user shall not be required to pay restitution so long as the user shall show evidence of insurance or other security that the user can pay said restitution to the affected party if it is ultimately determined that the user is liable to said third parties. Any such fines, fees, charges and costs shall be paid for by the user before any new permit will be issued, except for the provision for disputed restitution set forth above. When all costs cannot be readily determined, the City may require and accept a bond or irrevocable letter of credit which it considers sufficient and which will be subject to appropriate adjustment after all costs have been determined.

I. Regulation of waste received from other jurisdictions.

(1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the City shall enter into an intermunicipal agreement with the contributing municipality.

(2) Prior to entering into an agreement required by Subsection I(1) above, the City shall request the following information from the contributing municipality:

(a) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality.

(b) An inventory of all users located within the contributing municipality that are discharging to the POTW.

(c) Such other information as the City may deem necessary.

(3) An intermunicipal agreement, as required by Subsection I(1) above, shall contain the following conditions:

(a) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Part and local limits which are at least as stringent as those set out in § 467-202C of this Part. The requirement shall

specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits.

(b) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis.

(c) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City.

(d) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its pretreatment activities.

(e) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW.

(f) Requirements for monitoring the contributing municipality's discharge.

(g) A provision ensuring the City access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City.

(h) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

§ 467-206. Wastewater monitoring and reporting requirements.

A. Baseline monitoring reports.

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information listed below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the City a report which contains the information listedbelow. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(a) Identifying information. The name and address of the facility, including the name of the operator and owner.

(b) Environmental permits. A list of any environmental control permits held by or for the facility.

(c) Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried

out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) Measurement of pollutants.

[1] The categorical pretreatment standards applicable to each regulated process.

[2] The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the City, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Subsection I of this section.

[3] Sampling must be performed in accordance with procedures set out in Subsection J of this section.

(f) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements. (Note: For certain users, the authorized user and the qualified professional may be the same individual.)

(g) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Subsection B of this section.

(h) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 467-204G of this Part.

B. Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by Subsection A(1)(g) of this section:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

(2) No increment referred to above shall exceed nine months.

(3) The user shall submit a progress report to the City no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

(4) In no event shall more than nine months elapse between such progress reports to the City.

C. Reports on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in Subsection A(1)(d) through (f) and (h) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 467-204F of this Part.

D. Monitoring and periodic self-monitoring compliance reports.

(1) Sampling and analysis of industrial wastewater for the purpose of compliance determinations with respect to § 467-202 prohibitions and limitations shall be done through industry self-monitoring and through monitoring done by the City. All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136, and amendments thereto or, if 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by EPA. The City may require an independent laboratory to conduct the sampling and analysis at the user's own cost if the user does not monitor and analyze in accordance with EPA procedures, specifically, 40 CFR, Part 136.

(2) All significant industrial users shall, at a frequency determined by the City in the user's permit, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic self-monitoring reports must be signed and certified in accordance with § 467-204G of this Part. The user must also submit a self-monitoring report with the results on a form prescribed by the City, if so requested by the City.

(3) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(4) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the City, using the procedures prescribed in § 467-206I of this Part, the results of this monitoring shall be included in the report.

(5) The user shall ensure compliance with the recordkeeping requirements of Subsection L of this section.

E. Reports of changed conditions. Each user must notify the City of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

(1) The City may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 467-204F of this Part.

(2) The City may issue a wastewater discharge permit under § 467-204H of this Part or modify an existing wastewater discharge permit under § 467-205D of this Part in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow variations as stated in the user's permit and the discharge of any previously unreported pollutants.

F. Reports of potential problems/notifications of accidental spills.

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five days following such discharge, the user shall, unless waived by the City, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Part.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection F(1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

G. Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City may require.

H. Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the City within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. The user is not required to resample if the City monitors at the user's facility at least once a

month, or if the City samples between the user's initial sampling and when the user receives the results of this sampling.

I. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report, for the purpose of compliance with this Part; or in fulfillment of the user's permit self-monitoring requirements, shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

J. Sample collection.

(1) Except as indicated in Subsection J(2)below, the City reserves the right to require flow proportional composite samples whenever the user is required to collect wastewater samples. When flow proportional sampling is infeasible or derives no benefit, the City may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. The City will review the appropriate method of sampling with the user.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For automatic samplers, the intake line hose must be at least 1/4 inch (0.6 cm) internal diameter and the velocity in the intake line must be maintained at least at two feet per second.

K. Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

L. Recordkeeping.

(1) Users subject to the reporting requirements of this Part shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years unless there is pending a dispute of litigation involving the subject of these records, in which case these records are to be kept for a period of three years following resolution of such litigation or dispute.

(2) All users who discharge or propose to discharge wastewater directly or indirectly to the facilities shall maintain records which substantiate any information supplied in permit applications. Such records shall include, but not be limited to, pH measurements or pH tapes, chemical usage data, log sheets, hazardous waste

manifests, water meter readings, effluent monitoring reports, self-monitoring compliance reports and any other informational requirements of this Part or required by a user's wastewater discharge permit or any applicable state and federal laws and regulations. These records are to be kept for a period of three years unless there is pending a dispute of litigation involving the subject of these records, in which case these records are to be kept for a period of three years following resolution of such litigation or dispute.

M. Selling, closing or moving a business.

(1) Any user who will be selling, closing or moving a business from its present location must notify the City in writing 30 days before disposing of any process waste, associated with the move or the cessation of business, into the sewer system if said waste is not currently permitted to be discharged. The City has a shutdown facility procedure for the discharge of wastes not previously permitted into the sewer system which must be adhered to upon selling; closing or moving a business or operation. Failure to notify the City prior to discharging such waste into the facilities may subject the user to civil or criminal penalties in accordance with this Part. The facility shutdown procedure includes, but is not limited to, the following:

(a) A written plan detailing how each chemical and solution is to be discharged to the sewer system, with or without treatment.

(b) The information required in Subsection M(1)(a) above must be reviewed and approved by the City prior to any solutions or chemicals being disposed of into the sewer system. Only those solutions approved by the City may be discharged to the sewer system. The City must be informed at least 48 hours in advance of when chemicals are to be discharged to the sewer.

(c) The City reserves the right to request information on the final disposition of any material that the City prohibits to be discharged to the sewer.

N. Temporary business closings.

(1) A permitted user shall give City personnel written notice within five working days prior to ceasing operations which will be of 90 days or greater in duration.

(2) A permitted user shall give City personnel notice five working days prior to reactivating operations. The user shall not reactivate operations if the permit is suspended until after receiving written approval from the City following a City inspection.

O. Notification of the discharge of hazardous waste.

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste

per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user; an identification of the hazardous constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications or changed conditions must be submitted under Subsection E of this section. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Subsections A, C, and D of this section.

(2) Dischargers are exempt from the requirements of Subsection O(1) above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the City, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part, a permit issued thereunder, or any applicable federal or state law.

§ 467-207. Inspection powers and compliance monitoring.

A. Right of entry; inspection and sampling. The City and its agents shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part and any wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Powers. Inspections shall be conducted at the discretion of the City. Duly authorized employees and agents of the City, upon presenting identification and appropriate credentials, are authorized:

(a) To enter without unreasonable delay and at reasonable times those premises (public or private) of any person of class of user either receiving services from the City or applying for services from the City in which a discharge source or

treatment system is located or which records required to be maintained pursuant to this Part.

(b) During regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, to have access to and to copy records pertaining to this Part, the pretreatment program, RCRA, and waste disposal, inspect any monitoring equipment or method required pursuant to this Part and sample and/or analyze any effluent which the owner or operator of such discharge source is required to sample and/or analyze under this Part and any Part adopted pursuant thereto.

(c) During such on site inspections, to carry out all inspections, surveillance, and monitoring procedures necessary to determine, independent of information supplied by any person discharging into the facilities, compliance or noncompliance with City pretreatment requirements.

(2) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities. The user may provide an escort for the City at his or her discretion.

(3) The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(4) Monitoring and metering equipment.

(a) The City may require the user to install at his or her own cost monitoring or metering equipment as necessary to facilitate the accurate observation, sampling, and measurements of the wastewater discharge. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semiannually or at a frequency recommended by the manufacturer to ensure their accuracy.

(b) The monitoring and metering equipment shall be located and maintained on the user's premises. When such a location would be impractical or cause undue hardship to the user, the City may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so the discharge will not be obstructed by public utilities, landscaping, or parked vehicles.

(5) When more than one user discharges into a common sewer, the City may require installation of separating monitoring and metering equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the City may require that separate monitoring and metering facilities be installed for each separate discharge.

(6) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with City ordinances and any applicable construction standards required by the City or by local, state or federal law.

(7) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the user.

(8) Unreasonable delays in allowing the City to the user's premises shall be a violation of this Part.

(9) The City shall comply with the user's reasonable health and safety policies, including the use of personal protective equipment.

B. Search warrants. If the City has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Part or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of a search warrant from the Court of Common Pleas of Berks County, Pennsylvania.

C. User documentation. The City may, by ordinance, order, permit or letter, require any person who discharges into the facilities to:

(1) Establish and maintain records.

(2) Make reports.

(3) Install, calibrate, use and maintain monitoring equipment or methods (including where appropriate, biological monitoring methods).

(4) Sample and/or analyze discharges and effluent (in accordance with the method, at the locations, at the intervals, and in the manner as the City shall prescribe).

(5) Provide other information relating to discharges into the facilities of the project as the City may reasonably require to ensure compliance with prescribed pretreatment. Such information shall include, but not be limited to, those records, reports and procedures required by applicable state and federal law.

§ 467-208. Confidential information.

A. The EPA regulations, 40 CFR 2.201 through 2.302 addressing confidential business information, are hereby incorporated by reference. All City employees and City agents are bound by these requirements.

B. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information would be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be

made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be reorganized as confidential information and will be available to the public without restriction.

§ 467-209. Publication of users in significant noncompliance.

The City shall publish at least annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

C. Any other discharge violation that has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public.

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.

F. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance, including failure to report and resample in accordance with § 467-206H.

H. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

§ 467-210. Administrative enforcement remedies.

A. Notification of violation. When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may serve upon that user a written notice of violation. Within 30 days of the receipt of this notice, an explanation of

the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

B. Consent orders. The City may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to § 467-210D and E of this Part and shall be judicially enforceable.

C. Show cause hearing. The City may order a user which has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

D. Compliance orders. When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

E. Cease-and-desist orders.

(1) When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(a) Immediately comply with all requirements.

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(2) Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. Administrative civil penalties.

(1) When the City finds that a user has violated, or continues to violate, any provisions of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such user in an amount not to exceed $25,000 per day for each violation regardless of jurisdictional boundaries. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation. The foregoing administrative civil penalties shall be enforced in accordance with the provisions of §§ 467-211B and 467-212F of this Part.

(2) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed a late charge of 10% APR. A lien against the user's property will be sought for unpaid charges, fines and penalties.

(3) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

G. Emergency suspensions.

(1) The City may immediately suspend a user's discharge, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in Subsection H of this section are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing under Subsection C or H of this section.

(2) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

H. Termination of discharge.

(1) In addition to the provisions in § 467-205F of this Part, any user who violates the following conditions is subject to discharge termination:

(a) Violation of wastewater discharge permit conditions.

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge.

(c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

(e) Violation of the pretreatment standards in § 467-202 of this Part.

(2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Subsection C of this Part why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

§ 467-211. Judicial enforcement remedies.

A. Injunctive relief. When the City finds a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the Court of Common Pleas of Berks County, Pennsylvania, through the City's Attorney for appropriate legal and equitable relief for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Part on activities of the user. The City may also seek such other action as is appropriate for legal and or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

B. Civil penalties.

(1) A user who has violated, or continues to violate, any provisions of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the City for a maximum civil penalty of $25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(3) In determining the amount of civil liability, there shall be taken into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

C. Criminal prosecution. A user who willfully or negligently violates any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, or any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan, or other document filed, or required to be maintained pursuant to this Part, a wastewater discharge permit or order issued under this Part or who falsifies, tampers with or knowingly renders inaccurate any monitoring device of method required under the Part, may be subject to criminal prosecution in accordance with the applicable provisions of the Pennsylvania Crimes Code, 18 Pa.C.S.A. § 101 et seq.

D. Remedies nonexclusive. The remedies provided for in this Part are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user.

§ 467-212. Supplemental enforcement action. [Amended 5-29-2001 by Ord. No. 14-2001]

A. Performance bonds. The City may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance.

B. Liability insurance. The City may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

C. Public nuisances. A violation of any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the City. Any person(s) creating a public nuisance shall be subject to the provisions of the City

Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

D. Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part, is subject to prosecution in accordance with the provisions of the Pennsylvania Crimes Code pertaining to perjury and falsification in official matters pursuant to 18 Pa.C.S.A. § 4901 et seq.

E. Contractor listing. Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the City.

F. Assessment of civil penalties.

(1) Pursuant to provision of the Pennsylvania Penalty Bill (Act 9 of 1992),[6] providing for enhanced penalty authority for publicly owned treatment works' which are authorized to enforce industrial pretreatment standards for industrial waste discharges, and in addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, the City, as the operator of a publicly owned treatment works, may assess a civil penalty upon an industrial user for violation of any of the terms and provisions of this Part. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed $25,000 per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this section.

(2) As part of any notice of assessment of civil penalties issued by the City to an industrial user, there shall also be included a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal, on behalf of the City.

(3) For purposes of this section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by Federal Water Pollution Control Act. The City may, however, recover its costs for reestablishing the operation of the treatment works in addition to any civil penalty imposed under this section.

(4) The City shall publicly adopt a formal, written civil penalty assessment policy (in its environment response plan) and make it publicly available. Each industrial discharger participating in the pretreatment program shall be given written notice of the policy. The penalty assessment policy shall consider:

(a) Damage to air, water, land or other natural resources of the Commonwealth of Pennsylvania and their uses.

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6. Editor's Note: See 35 P.S. § 752.4.

(b) Costs of restoration and abatement.

(c) Savings resulting to the person in consequence of the violation;

(d) History of past violations.

(e) Deterrence of future violations.

(f) Other relevant factors.

(5) Uses of penalties. All civil penalties collected pursuant to this section shall be placed by the City in a restricted account and shall only be used by the City and the publicly owned treatment works for the following uses:

(a) The repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed.

(b) Pay any penalty imposed on the City or the publicly owned treatment works by the federal or state government for violation of pretreatment standards.

(c) For the costs incurred by the City or publicly owned treatment works to investigate and take the enforcement action that resulted in a penalty being imposed.

(d) For the monitoring of discharges in the pretreatment program and for capital improvements to the treatment works, including sewage collection lines, which may be required by the pretreatment program.

(e) Any remaining funds may be used for capital improvements to the treatment works, including collection lines.

(6) Injunctive relief.

(a) The City shall have the power to obtain injunctive relief to enforce compliance with or restrain any violation of any pretreatment requirement or standard pursuant to and in accordance with the provisions of Pennsylvania Penalty Bill (Act 9 of 1992), 40 CFR 403.8(f)(1)(vi)(A) and any other applicable statute and/or common law. Injunctive relief shall be available upon the showing of one or more of the following:

[1] A discharge from an industrial user presents an imminent danger or substantial harm to the POTW or the public.

[2] A discharge from an industrial user presents an imminent or substantial endangerment to the environment.

[3] A discharge from an industrial user causes the POTW to violate any condition of its discharge permit.

[4] The industrial user has shown a lack of ability or intention to comply with a pretreatment standard.

(b) Notwithstanding the preceding subsection, an injunction affecting an industrial operation not directly related to the condition or violation in question, may be issued if the Court determines that other enforcement procedures would not be

adequate to affect prompt correction of the condition or violation. In addition to an injunction, the Court in any such proceedings may levy civil penalties in accordance with Act 9 of 1992 and this Part.

(7) Appeal. An industrial user assessed with a civil penalty under the terms of this section shall have 30 days to pay the proposed penalty in full, or, if the industrial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial user must file an appeal of the action within 30 days pursuant to 2 Pa.C.S.A. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

(8) The penalty authorized in this section is intended to be concurrent and cumulative, and the provisions of this section shall not abridge or alter any right of action or remedy, now or hereafter existing in equity, or under the common law or statutory law, criminal or civil, available to a person, the City, authority, or the Commonwealth of Pennsylvania.

(9) Such penalty assessments may be added to the user's next scheduled sewer service or sewer surcharge bill.

G. Administrative hearings/appeals.

(1) Right to appeal. Any person or user aggrieved by any order, assessment of penalty, issuance of permit or denial of permit may appeal said order, assessment, issuance of permit or denial of permit after service of the same by the City.

(2) Right to hearing. Any order, assessment of penalty, issuance of permit or denial of permit shall inform the user that a written request for an appeal on the alleged violations, order, issuance of permit or denial of permit, and/or penalty must be filed within 30 days after service of the notice to preserve the user's right to hearing. The notice will be deemed properly served upon the user if a copy is served upon him or her personally, or sent by registered or certified mail to his or her last known address, or if he or she is served with notice by an other method of service now or hereafter authorized in civil actions under the laws of the state. In an emergency situation, if written request for an appeal/hearing is not made by the user within 30 days of the service of notice, the user will be foreclosed from hearing regarding any penalty assessed. In a nonemergency situation, if written request for a hearing is not made by the user within 30 days of the service of notice, the user will be foreclosed from hearing regarding any order, assessment of penalty, issuance of permit or denial of permit.

(3) Appeal process, hearing request and conference option.

(a) As stated immediately above, written request for appeal/hearing must be filed with the Director of Public Works within 30 days from the date that the City took the action which is the subject of the manner of the appeal to preserve the user's rights.

(b) All appeals shall contain the following information:

[1] The name, address and telephone number of the applicant.

[2] The date on which the City took the action which is the subject matter of the appeal.

[3] The reason(s) for such appeal, and a specification of objections setting forth the manner in which the appellant is aggrieved and the relevant issues to be resolved by the Hearing Board.

[4] A statement detailing the relief demanded by the appellant.

(c) A true and correct copy of the written appeal shall be served on a City Solicitor personally or by registered or certified mail within 48 hours after the appeal is filed.

(d) Conference option. At the time an appeal is requested, the user may also request a conference with the City prior to the scheduling of an administrative hearing. Said conference will include appropriate members of the City staff and its agents. Violations and penalties will be explained and discussed. Electing this option does not foreclose and/or affect the user's right to hearing, provided that the written request for hearing was filed within 30 days of service as noted above. The purpose of this option is to provide the user with an informal forum within which to discuss the alleged violations and to expedite conclusion and/ or resolution of outstanding enforcement actions. If resolution is not reached within 90 days from the date of the scheduled conference the City shall schedule the matter for formal hearing. In any event, either party may request a formal hearing at any point during the conference proceedings.

(e) Hearing protocol.

[1] Upon receipt of the appeal, the Hearing Board shall schedule a hearing for the appellant and give the latter written notice of the time, date and place of such hearing. A hearing will not be held if waived by the appellant or if the parties stipulate all of the essential facts or agree to submit direct or rebuttal testimony or documentary evidence in affidavit form, sworn or affirmed on personal knowledge, or by deposition.

[2] Written briefs of the parties or their counsel may be filed with the Hearing Board and served on the opposing party, within five days after the hearing and prior to any adjudication.

[3] At any hearing, parties shall have the right of presentation of evidence, cross-examination, objection, motion and argument. The Hearing Board shall not be bound by technical rules of evidence, but all relevant and material evidence of reasonable probative value shall be admissible. All witnesses shall be sworn or shall affirm.

[4] The Hearing Board shall not be required to maintain a verbatim transcript of the hearings.

[5] At the conclusion of the proceedings, and after consideration of the evidence and briefs of the parties, if any, the Hearing Board shall issue an adjudication which shall contain findings of facts and conclusions of law,

and, if appropriate, an order. A written copy of such adjudication shall be mailed to each party.

[6] The decision and adjudication of the Hearing Board shall be final and binding upon the parties subject to any further right of appeal which may be provided by law.

[7] Failure to perfect an appeal in the manner and form required by this section shall be sufficient for dismissing the appeal.

[8] The action of the City shall be final as to any person who fails to file an appeal or to perfect an appeal pursuant to this section.

(4) Hearing Board.

(a) Industrial Hearing Board.

[1] An Industrial Hearing Board shall be appointed by the Mayor with the advice and consent of Council for resolution of differences between the City and any aggrieved party of any improved property on matters concerning interpretation and execution of the provisions of this Part by the City and to hear any appeals filed by such aggrieved parties.

[2] No one appointed to the Industrial Hearing Board herein, either as a representative at large, legal representative, industrial representative, or registered professional engineer, shall have any right or power to sit, vote, act or in any way participate with regard to any appeal of any industry with which it is in any way connected. Board members shall refrain from taking any such action on any such matter and shall avoid any conflict of interest or appearance of impropriety.

(b) One member of the Board shall be a member of the Department of Pubic Works; one member shall be a professional engineer skilled in practice of sanitary engineering; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this Part.

(c) Terms.

[1] The initial appointments to the Board shall be for the following terms:

[a] Department of Public Works representative: five years.

[b] Registered professional engineer (sanitary/environmental/civil/chemical engineer): four years.

[c] Industrial representative: three years.

[d] Legal representative: two years.

[e] Representative at large: one year.

[2] All succeeding terms shall be for a period of five years. The Mayor, with the consent of Council, shall appoint representatives to fill vacancies on

the Board to complete unexpired terms. Interim appointments may be permitted to serve an additional full term on the Board.

(d) The powers of the Hearing Board shall include but not be limited to the following:

[1] To hear appeals from any person aggrieved by the application of this Part including, but not limited to, any order or decision made or issued by the City.

[2] To make rules with regard to conducting its hearings, such rules to be submitted to Council for their advice and consent.

[3] To make such findings of fact as may be required by the application of this Part.

[4] To decide questions presented.

(e) Any party aggrieved by any decision of said Hearing Board shall have the right to file an appeal under the Local Agency Law to the Court of Common Pleas of the County of Berks within 30 days of said decision; however, said appeal shall not act as a supersession of any final order.

H. Petitions for declaratory rulings. Any person affected by any statutory provision administered by the City or affected by any rule or order of the City may, in accordance with state law and this Part, petition the City for a declaratory ruling as to the applicability of such statute, rule or order. This petition shall clearly and concisely identify:

(1) The precise statute, rule or order under which a declaratory ruling is sought.

(2) How the petitioner is affected by the statute, rule or order.

(3) The petitioner's position on how the applicable statute, rule or order should be interpreted, including citations to any applicable documents or law that support the petitioner's position.

I. Costs. In addition to such administrative, civil, or criminal fines as may be imposed any user who violates any provisions of this Part or any condition of a permit, or plan approval related thereof, shall be financially responsible and liable to the City in addition to normal service charges and surcharges for industrial investigation and monitoring of compliance with this Part including, but not limited to, the following:

(1) Cost of mileage, labor and materials incurred in detecting and correcting the violation.

(2) Laboratory analysis costs associated with detecting and correcting the violation.

(3) Additional treatment costs caused by the violation or association with detecting and correcting the violation.

(4) Costs of any additional equipment acquired or expended by the City for detecting or correcting the violation.

(5) Repair and/or replacement of any part of the facility damaged by the violation.

(6) Any liability, damages, fines or penalties incurred by the City as a result of the violation.

(7) Costs incurred in enforcing compliance, including prosecution and/or settlement of outstanding violations.

(8) Other costs as are associated with the prosecution, negotiation and/or settlement of a violation.

J. Denial of access. If the City or its duly authorized employees and agents, upon presenting identification and appropriate credentials, are denied access to carry out inspection, surveillance, and monitoring procedures as described in this Part, the City may immediately institute civil proceedings, including proceedings for necessary injunctive relief, or criminal proceedings.

K. Inspection of connections. If any person shall construct, install, alter or repair any sewer or connect to any sewer in violation of the requirements of this Part, the City may, in its discretion, order or direct such person to uncover and fully expose any or all portions of such sewer or connection and afford the City and its representatives adequate opportunity for examination and inspection of the work. If the connection and appurtenances thereto shall be found not to be in full accord with the requirements of this Part and the standards established and address its provisions, then the City may serve the offender with a written notice as provided in § 467-210.

§ 467-213. Affirmative defenses to discharge violations.

A. Upset.

(1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection A(3), below, are met.

(3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

(a) An upset occurred and the user can identify the cause(s) of the upset.

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(c) The user has submitted the following information to the City within 24 hours of becoming aware of the upset. A written submission must be provided within five days:

[1] A description of the indirect discharge and cause of noncompliance.

[2] The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

[3] Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

B. Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 467-202A(1) of this Part or the specific prohibitions in § 467-202A(2) of this Part, except § 467-202A(2)(a), (b), (c), (h), (s), (t), (u) and (v) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference.

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass.

(1) For the purposes of this section, the following terms shall have the meaning indicated:

BYPASS — The intentional diversion of waste streams from any portion of a user's treatment facility.

SEVERE PROPERTY DAMAGE — Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsection C(3) and (4) of this section.

(3) Bypass.

(a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the City, at least 10 days before the date of the bypass, if possible.

(b) A user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Bypass prohibited.

(a) Bypass is prohibited, and the City may take an enforcement action against a user for a bypass, unless:

[1] Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.

[2] There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

[3] The user submitted notices as required under Subsection C(3) of this section.

(b) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in Subsection C(4)(a) of this section.

§ 467-214. Wastewater treatment rates. [Amended 11-8-1999 by Ord. No. 29-1999]

A. Surcharge rate.

(1) Purpose. Nothing contained in this section shall be construed as prohibiting any special agreement or arrangement between the City and any person or municipality whereby industrial waste of unusual strength or character may be admitted into the sewerage system by the City subject to payment of a surcharge therefor by such person or municipality or by proper and continuous pretreatment prior to discharge into the sewerage system. The surcharge shall be based on present invested capital costs and operating costs.

(2) Additional charges for strong wastes. There shall be additional charges for nondomestic wastes, discharged to the POTW from any industry business or

commercial enterprise and having BOD5, TSS and/or NH3-N in excess of the average BOD5, TSS and/or NH3-N of normal domestic sewage. Normal domestic sewage shall be defined as having the following concentration:

(a) BOD5: 300 mg/l.

(b) TSS: 325 mg/l.

(c) NH3-N: 20 mg/l.

(3) Surcharge formula. In order to determine the additional charge for nondomestic wastes with strength greater than that of normal domestic sewage, the following formula shall be used:[7]

SQ = 0.00834 Q1 [(BOD5-300) TA + (TSS1-325) TB ÷ (NH3-N1-20) TC]

Where:

SQ is the quarterly surcharge to be added to the quarterly sewer rental charge.

0.00834 is a constant to convert waste strength expressed in mg/l to thousand pounds of waste.

Q1 is the quarterly volume of nondomestic wastewater flow expressed in millions of gallons.

BOD5 is the five-day biochemical oxygen demand of the nondomestic wastewater expressed in mg/l.

TSS1 is the total suspended solids in mg/l of the nondomestic wastewater.

NH3-N1 is the ammonia, expressed as nitrogen in mg/l, of the nondomestic wastewater.

300, 325 and 20 are constants expressing wasteload strength of domestic waste in mg/l for the respective pollutant parameters.

TA represents the cost incurred by the City in treating 1,000 pounds of BOD5. TB represents the cost of treating 1,000 pounds of total suspended solids. TC represents the cost incurred by the City in treating 1,000 pounds of ammonia. TA, TB and TC vary each year as treatment plant operation and maintenance costs change. Therefore, TA and TB and TC shall be determined at the beginning of each calendar year by the City based upon budgeted operating costs, and adopted by ordinance by the City; see Chapter 212, Fees.

When a value of BOD5 and/or total suspended solids and/or ammonia of a nondomestic waste is less than 300, 325, and 20 mg/l, respectively, the value of 300, 325, and 20 mg/l, respectively, shall be used in the calculation of the strong waste discharge in place of the actual value which is less than 300, 325, and 20 mg/l, respectively.

(4) Said surcharge rates shall be effective February 1, 2000, and shall be applied to the first quarter 2000 surcharge bills, which surcharge rates shall be as follows:[8]

Rate effect:

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7. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

8. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Parameter	Cost Represented in Formula by	Costs per 1,000 Pounds Rate for Period First Quarter 2000
BOD5	TA	$126.90
TSS	TB	$116.71
NH3-N	TC	$1,281.69

Hereafter, the Director of Public works is authorized to increase surcharge rates annually based on audited financial statements.

B. Septage rates. Septage haulers or any other person disposing of sanitary or other waste into the sewage system of the City at designated points as herein provided shall pay a dumping fee to include the following charges:

(1) Testing fee for each and every delivery to the City of Reading's wastewater treatment system.

(2) Per-gallon treatment charge based on the rated capacity of the waste delivery vehicle.

(3) Per-gallon surcharge based on the rate capacity of the waste delivery vehicle as payment for excessive BOD5, total suspended solids, and total dissolved solids common to septic waste.

(4) The rates shall be revised annually at the beginning of each year by the City by ordinance; see Chapter 212, Fees.[9]

§ 467-215. Fees.

A. Purpose. It is the purpose of this Part to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees.

B. Charges and fees. The City may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the City's pretreatment program.

(2) Fees for monitoring, inspection and surveillance procedures.

(3) Fees for reviewing accidental discharge procedures and construction.

(4) Fees for permit applications.

(5) Fees for filing appeals.

(6) Fees for administrative hearing.

(7) Other fees as the City may deem necessary to carry out the requirements contained herein.

(8) Fees for removal of pollutants otherwise subject to the federal pretreatment standards.

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9. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(9) Fees for treatment of extra-strength wastewater, including extra fees for the treatment of industrial waste containing toxic waste and pollutants.

C. Application/sampling/analysis.

(1) The fee schedule applicable to filing permit applications and sampling/analysis of wastewater by the City shall as provided in Chapter 212, Fees. Note: Nothing shall prevent the EPA, PaDEP, or the City of Reading from imposing other fees, penalties or damages where wastewater discharged to the City's treatment works exceeds permit limits.[10]

(2) The fees and charges established by this Part shall apply to all industries within the City of Reading sewage service area that discharge industrial waste to the City's Fritz Island Wastewater Treatment Plant.

(3) These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by the City.

D. Fee collection.

(1) Registered bills will be mailed quarterly. Bills must be paid within 30 days of receipt. A late charge of 10% APR will be applied to all bills paid after the due date.

(2) Sixty days after receipt, all unpaid bills, exempting cases where a repayment schedule has been approved by the City, will be subject to civil and/or criminal action(s) with all applicable charges and fees incurred by the City being applied to the debt.

(3) A list of all bills unpaid after 60 days, not including cases where other repayment arrangements have been approved by the City, may be published at least semiannually in the largest daily newspaper published in the municipality where the POTW is located.

§ 467-216. Septage discharge permit system.

A. Septage permitting system. Licensed septage and holding tank haulers shall obtain a valid permit from the City and comply with all the conditions of this permit and this Part. The septage hauler permit shall be valid for one year with renewal January 1 of each fiscal year. The permit may be suspended or revoked according to the policies outlined in § 467-205F of this Part. Haulers shall apply for this permit on forms provided by the City and shall submit, together with the permit fee, an application containing the following information:

(1) Name, company name, address, telephone number.

(2) Vehicle identification, make, and capacity.

(3) Copy of septage hauler's license.

(4) Any additional information requested by the City.

(5) Signed and notarized statement certifying that the information presented in the application is correct.

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10. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(6) Performance bond.

B. Septage/waste disposal.

(1) Septic tank and holding tank waste may be introduced into the POTW only at locations designated by the City, and at such times as are established by the City. Such waste shall not violate § 467-202 of this Part or any other requirements established by the City. Septic tank waste haulers will be required to obtain a hauler's permit and may be required to obtain a wastewater discharge permit.

(2) The City shall require haulers of industrial waste to obtain wastewater discharge permits. The City may require generators of hauled industrial waste to obtain wastewater discharge permits. The City also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part. Gallonage and hours for delivery of waste may be reduced, extended, increased, or otherwise changed or altered by and at the discretion of the City. City personnel may require that the load be dumped over a period of a 1/2 hour or more, depending upon the flow and characteristics of the incoming sewage at the City's treatment plant.

(3) Industrial waste haulers may discharge loads only at locations designated by the City. No load may be discharged without prior consent of the City. The City may collect samples of each hauled load to ensure compliance with applicable standards. The City may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. The City reserves the right to prohibit the discharge of hauled industrial waste.

(5) Each waste hauler shall furnish the following items to the City personnel upon arrival at the septage receiving facility:

(a) Load manifest form (provided by the City) which states the hauling company, hauler name, vehicle license number, quantity and source (owner and address) of the septage, probable content of the septage, and a certification statement signed by the hauler and generator, attesting to the accuracy of the information provided on the load manifest form.

(b) Previously purchased load ticket(s) corresponding to the capacity of the truck.

(c) Grab samples of the septage taken by the waste hauler under supervision by the City. The City reserves the right to refuse to accept any load that is suspected of being or has been determined through sampling and analysis to be detrimental to the operations of the plant, the safety of its workers, or to the health or welfare of the public.

(6) The hauler shall keep a copy of his/her official permit in the truck, and display the City issued permit sticker on the windshield.

(7) The hauler shall display his tank capacity on the truck.

C. Septage prohibitions.

(1) Septage haulers shall not discharge specifically prohibited waters, wastewaters, or substances to the City facilities in accordance with § 467-202 of this Part.

(2) No grease trap wastes may be discharged.

D. Septage records. Vehicles shall be maintained and records shall be kept in accordance with state law.

E. Compliance required. No statement contained in this section shall exempt the hauler from complying with all federal, state or local requirements.

§ 467-217. Interference with City property.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any City-owned structure, appurtenance or equipment. No person shall dump garbage, fill, refuse or other materials on land easements, rights-of-way, or other structures, including manholes, which are part of the wastewater facilities. Persons initiating construction activities that may alter City structures must be permitted pursuant to the requirements outlined in this Part. Persons causing such interference shall be billed by the City for any actual damages, the cost of correcting the interference and may be subject to civil and/or criminal penalties of this Part.

Chapter 473

SEXUALLY ORIENTED BUSINESSES

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§ 473-128. Injunction.

[HISTORY: Adopted by the City Council of the City of Reading 9-27-2004 by Ord. No. 41-2004 (Ch. 10, Part 11, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 600.

STATE LAW REFERENCES

Adult-oriented establishments — See 68 Pa.C.S.A. § 5501 et seq.

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§ 473-101. Purpose and findings.

A. Purpose. It is the purpose of this chapter to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the

City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials.

B. Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of City of Erie v. Pap's A.M, 529 U.S. 277 (2000); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Arcara v. Cloud Books, Inc., 478 U.S. 697, (1986); Iacobucci v. City of Newport, Ky., 479 U.S. 92 (1986); Young v. American Mini Theatres, 427 U.S. 50 (1976); California v. LaRue, 409 U.S. 109 (1972); United States v O'Brien, 391 U.S. 367 (1968); DLS Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir.1997); Kev, Inc. v. Kitsap County, 793 F. 2d 1053 (9th Cir. 1986); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir.1995); South Florida Free Beaches, Inc. v. City of Miami, 734 F 2d 608 (11th Cir. 1984); and N.W. Enterprises v. City of Houston, 27 F.Supp. 2d 754 (S.D. Tex. 1998), as well as studies conducted in other cities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the City Council finds that:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.

(2) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. See, e.g., studies of the cities of Phoenix, Arizona; Indianapolis, Indiana; and Austin, Texas.

(3) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows.

(4) Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions.

(5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses, for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B.

(7) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those activities and maintain those facilities.

(8) Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of sexually oriented businesses where persons view adult-oriented films.

(9) Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity.

(10) Nude dancing in adult establishments increases the likelihood of drug-dealing and drug use.

(11) Alcohol consumption in adult establishments increases the likelihood of crime, illegal drug use, and illegal sexual activity, and encourages undesirable behavior that is not in the interest of the public health, safety, and welfare.

(12) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(13) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and operators of sexually oriented businesses. Further, such licensing procedure will place a heretofore nonexistent incentive on operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(14) Removal of doors on adult booths and requiring sufficient lighting on the premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult establishments.

(15) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related, to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and criminal activity.

(16) It is desirable, in the prevention of crime and the spread of communicable diseases, to obtain a limited amount of information regarding certain employees who may engage in the conduct this chapter is designed to prevent, or who are likely to be witnesses to such activity.

(17) The fact that an applicant for a sexually oriented business license has been convicted of a sex-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention to this chapter.

(18) The barring of such individuals from operation or employment in sexually oriented businesses for a period of five years for a previous felony conviction serves as a deterrent to further criminal conduct, and prevents conduct which leads to the transmission of sexually transmitted diseases.

(19) When more than one sexually oriented business use occupies the same location or business address, the secondary effects caused by such businesses are increased. Secondary effects are eliminated or controlled to a greater degree when only a single sexually oriented business use is allowed to occupy the same location.

(20) The general welfare, health, morals, and safety of the citizens of this City will be promoted by enactment of this chapter. The findings noted in Subsection B(1) through (18) raise substantial governmental concerns.

§ 473-102. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADULT ARCADE — Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE or ADULT VIDEO STORE —

A. A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, videocassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities or specified anatomical areas.

(2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

B. A principal business purpose exists if materials offered for sale or rental depicting or describing specified sexual activities or specified anatomical areas generate 20% or more of the business's income, or account for 20% or more of inventory, or occupy 20% or more of total floor space. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as "adult bookstore" or "adult video store." Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "adult bookstore" or "adult video store," so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas."

ADULT CABARET — A nightclub, bar, restaurant, cafe, or similar commercial establishment that regularly, commonly, habitually, or consistently features:

A. Persons who appear in a state of nudity or seminudity.

B. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

C. Films, motion pictures, videocassettes, slides, photographic reproductions, or other image producing devices that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

D. Persons who engage in "exotic" or erotic dancing or performances/services that are intended for the sexual interests or titillation of an audience or customers.

ADULT MOTEL — A hotel, motel or similar commercial establishment that:

A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions.

B. Offers a sleeping room for rent for a period of time that is less than 24 hours.

C. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 24 hours.

ADULT MOTION PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER — A theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or seminudity, and/or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

DIRECTOR — The Chief of Police and such employee(s) of the Police Department as he may designate to perform the duties of the Director under this chapter.

EMPLOYEE — A person who performs any service on the premises of a sexually oriented business on a full-time, part-time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.

ESCORT — A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY — A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT — Includes any of the following:

A. The opening or commencement of any sexually oriented business as a new business.

B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.

C. The additions of any sexually oriented business to any other existing sexually oriented business.

D. The relocation of any sexually oriented business.

E. A sexually oriented business or premises on which the sexually oriented business is located.

LICENSED DAY-CARE CENTER — A facility licensed by the State of Pennsylvania, whether situated within the City or not, that provides care, training, education, custody, treatment or supervision for more than 12 children under 14 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than 24 hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

LICENSEE — A person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

LIVE THEATRICAL PERFORMANCE — A play, skit, opera, ballet, concert, comedy, or musical drama.

NUDE MODEL STUDIO — Anyplace where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

NUDITY or A STATE OF NUDITY — The appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

PERSON — An individual, proprietorship, partnership, corporation, association, or other legal entity.

PREMISES — The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to § 473-103 of this chapter.

SEMINUDE or SEMINUDITY — The appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

SEXUAL ENCOUNTER CENTER —

A. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex or intended to cause sexual excitement or stimulation.

(2) Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or seminudity.

B. A principal business purpose exists if the services offered are intended to generate business income.

C. The definition of sexual encounter establishment or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

SEXUALLY ORIENTED BUSINESS — An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater; adult theater, escort agency, nude model studio, spa or sexual encounter center.

SPECIFIED ANATOMICAL AREAS —

A. The human male genitals in a discernibly turgid state, even if fully and opaquely covered.

B. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

SPECIFIED CRIMINAL ACTIVITY — Any of the following offenses:

A. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the criminal or penal code of this state, other states, or other countries.

B. For which:

(1) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense.

(2) Less than five years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense.

(3) Less than five years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are for two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.

C. This section shall apply even if an aforesaid conviction is being appealed.

SPECIFIED SEXUAL ACTIVITIES — Includes any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered.

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

C. Masturbation, actual or simulated.

D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through C above.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS — The increase in floor areas occupied by the business by more than 25%, as the floor areas existed on the effective date of this chapter.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS — Includes any of the following:

A. The sale, lease, or sublease of the business.

B. The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means.

C. The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

§ 473-103. Classification.

Sexually oriented business uses are classified as either non-live entertainment, or live entertainment, as follows:

A. Non-live entertainment shall include:

(1) Adult arcades.

(2) Adult bookstores or adult video stores.

(3) Adult motels.

(4) Adult motion-picture theaters.

B. Live entertainment shall include:

(1) Adult theaters.

(2) Adult cabarets.

(3) Escort agencies.

(4) Nude model studios.

(5) Spas, massage centers, places offering activities that could cause sexual stimulation or excitement.

(6) Sexual encounter centers.

§ 473-104. Operator license and employee license required.

A. License required.

(1) It shall be unlawful:

(a) For any person to establish and/or operate a sexually oriented business without a valid sexually oriented business operator's license ("operator's license") issued by the Director pursuant to this chapter.

(b) For any person who operates a sexually oriented business to employ a person to work and/or perform services on the premises of the sexually oriented business, if such employee is not in possession of a valid sexually oriented business employee license ("employee license") issued to such employee by the Director pursuant to this chapter.

(c) For any person to obtain employment with a sexually oriented business if such person is not in possession of a valid sexually oriented business employee license issued to such person by the Director pursuant to this chapter.

(2) It shall be a defense to Subsection A(1)(b) and (c) of this section if the employment is of limited duration and for the sole purpose of repair and/or maintenance of machinery, equipment, or the premises.

(3) Violation of any provision within this subsection shall constitute a misdemeanor.

B. An application for a sexually oriented business operator's license must be made on a form provided by the City. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Prior to issuance of an operator's license, the premises must be inspected by the health office, building office, and zoning office.

C. An application for a sexually oriented business employee license must be made on a form provided by the City.

D. All applicants for a license must be qualified according to the provisions of this chapter. The application may request, and the applicant shall provide, such information reasonably necessary (including fingerprints) to enable the City to determine whether the applicant meets the qualifications established under this chapter. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.

E. If a person who wishes to own or operate a sexually oriented business is an individual, he must sign the application for an operator's license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 5%, or greater interest in the business must sign the application for an operator's license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity

that wishes to operate such a business, all corporate officers and directors and shareholders must sign the application for an operator's license as applicant.

F. Applications for an operator's license, whether original or renewal, must be made to the Director by the intended operator of the enterprise. Applications must be submitted to the office of the Director or the Director's designee during regular working hours. Application forms shall be supplied by the Director. The following information shall be provided on the application form:

(1) The name, street address (and mailing address if different) of the applicant(s).

(2) If the applicant is an individual, the names, the home addresses, and the dates and places of birth, the social security numbers and federally issued tax identification number of the individual and any manager of the business.

(3) If the applicant is a corporation, the following information shall be provided:

(a) Names, titles, home addresses, and dates and places of birth of officers, directors, and stockholders.

(b) A resolution by the corporation authorizing the filing of an application for a sexually oriented business operator's license.

(4) If the applicant is a partnership, the following information shall be provided: names of all partners, their home addresses, dates and places of birth.

(5) The name under which the establishment is to be operated and a general description of the services to be provided.

(a) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state: the sexually oriented business's fictitious name; and submit the required Department of State registration documents regarding fictitious name.

(6) Whether the applicant has been convicted, or is awaiting trial on pending charges, of a "specified criminal activity" as defined in § 473-102, Definitions, and, if so, the specified criminal activity involved, the date, place, and jurisdiction and disposition of each.

(7) Whether the applicant has had a previous license under this chapter or other similar sexually oriented business ordinance from another City, county, or state denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant is or has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(8) Whether the applicant holds any other licenses under this chapter or other similar, sexually oriented business ordinance from another City or county and, if so, the names and locations of such other licensed businesses.

(9) The single classification of license, as found in § 473-103, for which the applicant is filing.

(10) The telephone number of the establishment.

(11) The address and legal description of the tract of land on which the establishment is to be located.

(12) If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the business license is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the business license is sought.

(13) If the establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance of the business license). If the expected startup date is to be more than 10 days following the date of issuance of the business license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same.

(14) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than 150 square feet of floor space, films, videocassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in § 473-119 hereunder.

G. Each application for an operator's license shall be accompanied by the following:

(1) Payment of the application fee in full.

(2) If the establishment is a State of Pennsylvania corporation, a certified copy of the Articles of Incorporation, together with all amendments thereto, and proof that said corporation is in good standing in this commonwealth.

(3) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto, and that said corporation is in good standing under the laws of its state of incorporation. The foreign corporations should also include, if applicable, the address of its registered office for service of process.

(4) If the establishment is a partnership formed under the laws of the State of Pennsylvania, a certified copy of the certificate of limited partnership, together with all amendments thereto or, if a general partnership, a copy of the partnership agreement together with any amendments thereto.

(5) If the establishment is a foreign partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments

thereto, or, if a general partnership, a copy of the partnership agreement and the qualification documents, together with any amendments thereto.

(6) Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed.

(7) If the persons identified as the fee owner(s) of the tract of land in Subsection G(6) is not also the owner of the sexually oriented business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the sexually oriented business to have or obtain the use and possession of the tract or portion thereof that is to be used for the sexually oriented business.

(8) A current certificate and straight-line drawing prepared within 30 days prior to application by a land surveyor registered in the Commonwealth of Pennsylvania which shall include, but not be limited to, the property lines and the structures containing any existing sexually oriented businesses within 1,000 feet of the property to be certified; and the property lines of any established religious institution/ synagogue, school, public park, recreation area, residence, family entertainment business, or premises licensed pursuant to the alcoholic beverage control regulations — uses as set forth in § 473-113 of this chapter — within 1,000 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

(9) Any of Subsection G(2) through (8) above shall not be required for a renewal application if the applicant submits an affidavit stating that the documents previously furnished to the Director with the original application or previous renewals thereof remain correct and are currently accurate, and the applicant provides tax clearance certificates issued by the Department of Revenue.

H. Applications for an employee license to work and/or perform services in a sexually oriented business, whether original or renewal, must be made to the Director by the person to whom the employee license shall issue. Each application for an employee license shall be accompanied by payment of the application fee in full. Application forms shall be supplied by the Director. Applications must be submitted to the office of the Director or the Director's designee during regular working hours.

(1) Each applicant shall be required to give the following information on the application form:

(a) The applicant's given name, and any other names by which the applicant is or has been known, including "stage" names and/or aliases.

(b) Age, and date and place of birth.

(c) Height, weight, hair color, and eye color.

(d) Present residence address and telephone number.

(e) Present business address and telephone number.

(f) Date, issuing state, and number of photo driver's license, or other state-issued picture identification card information.

(g) Social security number.

(h) Proof that the individual is at least 18 years old.

(2) The personal information provided in this subsection shall be confidential, and shall not be disclosed to the public except to the extent required by state or federal law.

I. Attached to the application form for any license under this chapter shall be the following:

(1) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.

(2) A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant, in this or any other city, county, state, or country, has ever had any license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name(s) under which the license was sought and/or issued, the name(s) of the issuing or denying jurisdiction, and describe in full the reason(s) for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

(3) A statement whether the applicant has, within the past five years, been convicted, or is awaiting trial on pending charges, of a "specified criminal activity" as defined in § 473-102, Definitions, and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(4) A form or forms authorizing a criminal background check on the applicant and every employee, which forms shall be signed by the individuals set forth in the application.

J. Every application for a license under this chapter shall contain a statement under oath that:

(1) The applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is true and correct.

(2) The applicant has read the provisions of this chapter.

K. A separate application and operator's license shall be required for each sexually oriented business classification as set forth in § 473-103.

L. The fact that a person possesses other types of state or City permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented business operator or employee license.

§ 473-105. Issuance of license.

A. Upon the filing of an application for a sexually oriented business employee license, the Director shall issue a temporary license to said applicant. The application shall then be referred to the appropriate City departments for investigation to be made on the information contained in the application. The application process shall be completed within 45 days from the date of the completed application.

(1) After the investigation, the Director shall issue an employee license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(a) The applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(b) The applicant is under the age of 21 years.

(c) The applicant has been convicted of a "specified criminal activity" as defined in § 473-102, Definitions, of this chapter.

(d) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule, or regulation, or prohibited by a particular provision of this chapter.

(e) The applicant has had a sexually oriented business employee license revoked by the City within two years of the date of the current application.

(2) If the sexually oriented business employee license is denied, the temporary license previously issued is immediately rendered null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as forth in Subsection I of this section.

B. A license issued pursuant to Subsection A of this section, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. While engaged in employment or performing services on the sexually oriented business premises, an employee shall, at all times, possess the license in such manner as to be available for immediate inspection upon lawful request.

C. A license issued pursuant to Subsection A of this section shall be subject to annual renewal upon the written application of the applicant and a finding by the Director that the applicant has not been convicted of any "specified criminal activity" as defined in this chapter, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within 45 days of the completed application. The renewal of a license shall be subject to the fee as set forth in § 473-106. Nonrenewal of a license shall be subject to appeal as set forth in Subsection I of this section.

D. If application is made for a sexually oriented business operator's license, the Director shall approve or deny issuance of the license within 45 days of receipt of the completed application. The Director shall issue a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) An applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(2) An applicant is under the age of 21 years.

(3) An applicant has been denied a license by the City to operate a sexually oriented business within the preceding 12 months, or whose license to operate a sexually oriented business has been revoked within the preceding 12 months.

(4) An applicant is overdue in payment to the City for taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to the sexually oriented business for which license is sought, or the property on which the sexually oriented business is located or will be located.

(5) An applicant has been convicted of a "specified criminal activity" as defined in § 473-102, Definitions.

(6) The premises to be used for the sexually oriented business have not been approved by the Health Department, Building Department, and Zoning Department as being in compliance with applicable laws and ordinances, if such approval is required under other sections of this chapter.

(7) The license fee required under this chapter has not been paid.

(8) An applicant of the proposed establishment is in violation of or is not in compliance with one or more of the provisions of this chapter.

E. A license issued pursuant to Subsection D of this section, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business, and the § 473-103 classification for which the license is issued. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

F. If so required under other sections of this chapter, the Health Department, Building Department, and Zoning Department shall complete their certification that the premises are in compliance or not in compliance within 20 days of receipt of the completed application by the Director. The certification shall be promptly presented to the Director. Failure of an appropriate department to timely certify its inspection shall not be grounds for refusing to issue a license within the mandatory time period prescribed in Subsection D. (In the event the Director fails to render a decision on the application within the time specified herein, the operator shall be permitted to commence operation of the business.)

G. A sexually oriented business license shall issue for only one of the classifications as set forth in § 473-103 per applicant.

H. In the event that the Director determines that an applicant is not eligible for a sexually oriented operator's license, the applicant shall be given notice in writing of the reasons for the denial within 45 days of the receipt of the completed application by the Director, provided that the applicant may request, in writing, at any time before the notice is issued, that such period be extended for an additional period of not more than 10 days in order to make modifications necessary to comply with this chapter.

I. An applicant may appeal the decision of the Director regarding a denial to the City Council by filing a written notice of appeal with the City Clerk within 10 days after service of notice upon the applicant of the Director's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. Simultaneously with the filing of the written notice of

appeal and/or memorandum, the applicant shall serve a copy of these documents upon the Director. The Director may, within 15 days of service upon him of the applicant's written notice/memorandum, submit a responsive memorandum to the City Council. The City Council shall hear any appeal of a denial of a permit or renewal permit at a public hearing and render a decision within 30 days of receiving the notice of appeal. Notice of the public hearing shall appear in at least one newspaper of general circulation in the City, including the time, date, and place of the hearing, once a week for two weeks immediately preceding the hearing.

J. A license issued pursuant to Subsection D of this section shall be subject to annual renewal upon the written application of the applicant and a finding by the Director that the applicant has not been convicted of any "specified criminal activity" as defined in this chapter, or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The decision whether to renew a license shall be made within 45 days of the completed application. The renewal of a license shall be subject to the fee as set forth in § 473-106.

§ 473-106. Fees.

The annual fee for a sexually oriented business operator's license, whether new or renewal, is $500. The annual fee for a sexually oriented business employee license, whether new or renewal, is $50. These fees are to be used to pay for the cost of the administration and enforcement of this chapter.

§ 473-107. Inspection.

A. The City shall regularly inspect the premises of the sexually oriented business in order to ensure compliance with the provisions of this chapter. An applicant or licensee shall permit representatives of the Police Department and/or Health Department to inspect the premises at any time the establishment is open for business. Such inspection shall be limited to visual assessment of the activities conducted in areas to which patrons have access or are allowed access; to requests for inspection of the licenses required under this chapter; and to requests for identification of those individuals who reasonably appear to be under the age of 21.

B. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he/she refuses to promptly permit such lawful inspection of the premises.

§ 473-108. Expiration of license; denial of renewal.

A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in § 473-104. Application for renewal should be made at least 45 days before the expiration date. When application is made less than 45 days before the expiration date, the expiration of the license will not be affected.

B. When the Director denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. Notwithstanding the provisions of this section, in the event a licensee appeals the nonrenewal of a license, the status quo immediately prior to nonrenewal shall be maintained throughout the pendency of the appeal, up to and including judicial review on the merits as set forth in § 473-111.

§ 473-109. Suspension of license.

A. The Director shall suspend a license for a period not to exceed 45 days if he determines that licensee or an employee of licensee has:

(1) Violated or is not in compliance with any section of this chapter.

(2) Operated or performed services in a sexually oriented business while intoxicated by the use of alcoholic beverages or controlled substances.

(3) Refused to allow prompt inspection of the sexually oriented business premises as authorized by this chapter.

(4) With knowledge, permitted gambling by any person on the sexually oriented business premises.

B. A licensee may appeal the suspension of a license to the City Council in accordance with the procedure set forth in §§ 473-104 and 473-105. Notwithstanding any other provisions of this section, in the event a licensee appeals the suspension of a license, the status quo immediately prior to suspension shall be maintained throughout the pendency of the appeal, up to and including judicial review on the merits as set forth in § 473-111.

§ 473-110. Revocation of license.

A. The Director shall revoke a license if a cause of suspension in § 473-109 occurs and the license has been suspended within the preceding 12 months.

B. The Director shall revoke a license if he determines that:

(1) A licensee gave materially false or misleading information in the material submitted during the application process.

(2) A licensee was convicted of a specified criminal activity on a charge that was pending prior to the issuance of the license.

(3) A licensee has, with knowledge, permitted the possession, use, or sale of controlled substances on the premises.

(4) A licensee has, with knowledge, permitted the sale, use, or consumption of alcoholic beverages on the premises.

(5) A licensee has, with knowledge, permitted prostitution on the premises.

(6) A licensee has, with knowledge, operated the sexually oriented business during a period of time when the licensee's license was suspended.

(7) A licensee has, with knowledge, permitted any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the licensed premises.

(8) A licensee is delinquent in payment to the City or state for any taxes, fees, fines, or penalties relating to the sexually oriented business or the premises thereon.

(9) A licensee has, with knowledge, permitted a person under 21 years of age to enter or remain in the establishment.

(10) A licensee has attempted to sell his business license, or has sold, assigned, or transferred ownership or control of the sexually oriented business to a nonlicensee of the establishment.

(11) A licensee has, with knowledge, permitted a person or persons to engage in specified sexual activities on the premises of the sexually oriented business.

(12) The Reading Police Department has issued three quality-of-life citations for the disruptive behavior of a patron or visitor to the business during the calendar year.

C. When the Director revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a license for one year from the date revocation became effective. A licensee may appeal the revocation of a license to the City Council in accordance with the procedure set forth in § 473-105I. Notwithstanding any other provisions of this section, in the event the licensee appeals the revocation of a license, the status quo immediately prior to revocation shall be maintained throughout the pendency of the appeal, up to and including judicial review on the merits as set forth in § 473-111.

§ 473-111. Judicial review.

Within 14 days of a denial of an initial or renewal application by the Director and City Council, or suspension or revocation of a license by the Director, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. Upon notification by summons of the filing of a complaint seeking judicial review of the City's administrative action, the City shall transmit the record of the administrative action to the court no later than five business days after receipt of said summons, and shall answer the complaint no later than 10 days after receipt of the summons. In addition, the City shall submit its response brief within 14 days of receipt of the petitioner's brief. The administrative action shall then be promptly reviewed by the court.

§ 473-112. No transfer of license.

A. A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application and set forth in the operator's license.

B. An operator's license shall not be transferable from one location to another.

§ 473-113. Location restrictions for sexually oriented businesses.

A. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than HM Heavy Manufacturing Districts, as defined and described in Chapter 600, Zoning, of the Code of the City of Reading.[1]

B. A person commits an offense if the person operates or causes to be operated a sexually oriented business within 1,000 feet of:

(1) A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities.

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1. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(2) A public or private educational facility including, but not limited to, child day-care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; "school" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

(3) A boundary of a residential district as defined in Chapter 600, Zoning, of the Code of the City of Reading.

(4) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities.

(5) The property line of a lot devoted to a residential use as defined in Chapter 600, Zoning, of the Code of the City of Reading.

(6) An entertainment business which is oriented primarily towards children or family entertainment.

(7) Any premises licensed pursuant to the alcoholic beverage control regulations of the state.

C. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

D. A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

E. For the purpose of Subsection B of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Subsection B. The presence of a City, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

F. For purposes of Subsection C of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

§ 473-114. Nonconforming uses; amortization.

A. Any sexually oriented business (lawfully operating on the effective date of this chapter), that is in violation of § 473-113 shall be deemed a nonconforming use. The three existing

businesses: Al's Diamond Cabaret, 1810 North 50th Street; The Second Story Lounge, 612 Franklin Street; and the Reading Adult Outlet, 316 Penn Street, shall be grandfathered for location only and will be permitted to operate in their current locations; however, all other provisions of this chapter apply and are enforceable. The nonconforming use will be permitted to continue, unless terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.

B. Any sexually oriented business lawfully operating on the effective date of this chapter that is in violation of § 473-113, but located in an area zoned for commercial highway as defined in Chapter 600, Zoning, of the Code of the City of Reading, shall be deemed a nonconforming use and shall be allowed to continue operating as long as this business is in compliance with all other requirements of this chapter governing sexually oriented businesses.

C. Sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in § 473-113B within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application is made for a license after the applicant's previous license has expired or been revoked.

§ 473-115. Additional regulations for adult motels.

A. Evidence that a sleeping room in a hotel, motel, or a similar commercial enterprise has been rented and vacated two or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this chapter.

B. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial enterprise that does not have a sexually oriented business license, rents or subrents a sleeping room to a person and, within 10 hours from the time the room is rented, he rents or subrents the same sleeping room again.

C. For purposes of Subsection B of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

D. Violation of Subsection B of this section shall constitute a misdemeanor.

§ 473-116. Additional regulations for escort agencies.

A. An escort agency shall not employ any person under the age of 21 years.

B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 21 years.

C. It shall be an offense for a person, while acting as an escort, nude or seminude, to touch a patron or the clothing of a patron, or for a patron to touch a nude or seminude escort or the

clothing of a seminude escort or for the escort to touch a nude or seminude patron or the clothing of a seminude patron.

D. Violation of this section shall constitute a misdemeanor.

§ 473-117. Additional regulations for nude model studios.

A. A nude model studio shall not employ any person under the age of 21 years.

B. A person under the age of 21 years commits a misdemeanor if the person appears seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 21 years was in a rest room not open to the public view or visible by any other person.

C. A person commits a misdemeanor if the person appears in a state of nudity, or with knowledge, allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

D. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

§ 473-118. Additional regulations concerning public nudity.

A. It shall be a misdemeanor for a person who, with knowledge and intent, appears in person in a nude or seminude condition in a sexually oriented business, unless the person is an employee who, while nude or seminude, is at least 10 feet from any patron or customer, and on a stage raised at least two feet from the floor (upholding ten-foot distance requirement).

B. It shall be a misdemeanor for an employee, while nude or seminude, to solicit any pay or gratuity from any patron or customer on the sexually oriented business premises.

C. No patron shall directly give any gratuity to any entertainer. A patron who wishes to give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performers for the purpose of preventing any physical contact between a patron and a performer.

D. It shall be a misdemeanor for an employee, while nude or seminude, to touch a patron or the clothing of a patron, or for a patron to touch a nude or seminude employee or the clothing of a nude or seminude employee, while the employee is on the sexually oriented business premises.

§ 473-119. Regulations pertaining to exhibition of sexually explicit films and videos.

A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, videocassette, or other video reproduction, that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be

permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the business license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Director may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since said diagram was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Director or his designee.

(4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in Subsection A(5) of this section remains unobstructed at all times. No doors, walls, partitions, curtains, merchandise, display racks, or other object(s) shall obstruct from view of the manager's station any portion of the premises to which patrons have access. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted, as designated in the application filed pursuant to Subsection A(1) of this section.

(7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five footcandles as measured at the floor level.

(8) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(9) No viewing room or booth may be occupied by more than one person at any time.

(10) No opening of any kind shall exist between viewing rooms or booths.

(11) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no more than one person at a time occupies a viewing booths or rooms, and to ensure that no person attempts to make an opening of any kind between the viewing booths or rooms.

(12) The operator of the sexually oriented business shall, each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.

(13) The operator of the sexually oriented business shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(14) The operator of the sexually oriented business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.

B. A person having a duty under Subsection A(1) through (14) of this section commits a misdemeanor if he/she, with knowledge, fails to fulfill that duty.

§ 473-120. Exterior portions of sexually oriented businesses.

A. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

B. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this chapter.

C. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:

(1) The establishment is a part of a commercial multiunit center.

(2) The exterior portions of each individual unit in the commercial multiunit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multiunit center.

D. Nothing in this chapter shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

E. A violation of any provision of this section shall constitute a misdemeanor.

§ 473-121. Signage.

A. Notwithstanding any other City ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect,

construct, or maintain any sign for the sexually oriented business other than the one primary sign and one secondary sign, as provided herein.

B. Primary signs shall have no more than two display surfaces. Each such display surface shall:

(1) Not contain any flashing lights.

(2) Be a flat plane, rectangular in shape.

(3) Not exceed 75 square feet in area.

(4) Not exceed 10 feet in height or 10 feet in length.

C. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

D. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

E. Secondary signs shall have only one display surface. Such display surface shall:

(1) Be a flat plane, rectangular in shape.

(2) Not exceed 20 square feet in area.

(3) Not exceed five feet in height and four feet in width.

(4) Be affixed or attached to any wall or door of the enterprise.

F. The provisions of Subsections B(1), C and D shall also apply to secondary signs.

G. Violation of any provision of this section shall constitute a misdemeanor.

§ 473-122. Sale, use or consumption of alcoholic beverages prohibited.

A. The sale, use, or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.

B. Any violation of this section shall constitute a misdemeanor.

§ 473-123. Persons younger than 21 years prohibited from entry; attendant required.

A. It shall be unlawful to allow a person who is younger than 21 years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.

B. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business's regular business hours. It shall be the duty of the attendant to prohibit any person under the age of 21 years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 21 unless such attendant asked for and was furnished:

(1) A valid operator's, commercial operator's, or chauffeur's driver's license.

(2) A valid personal identification certificate issued by the State of Pennsylvania and a picture identification card reflecting that such person is 21 years of age or older.

C. Violation of this section shall constitute a misdemeanor.

§ 473-124. Massages or baths.

It shall be unlawful for any sexually oriented business, regardless of whether in a public or private facility, to operate as a massage salon, massage parlor, spa, or sexual encounter center, or any similar type business. Violation of this section shall constitute a misdemeanor.

§ 473-125. Hours of operation.[2]

No sexually oriented businesses, except for an adult motel, may remain open at any time between the hours of 12:00 midnight and 6:00 a.m.

§ 473-126. Exemptions.

A. It is a defense to prosecution under this chapter that a person appearing in a state of nudity did so in a modeling class operated:

(1) By a proprietary school licensed by the State of Pennsylvania, a college, junior college, or university supported entirely or partly by taxation.

(2) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

B. Notwithstanding any other provision in this chapter, movies rated G, PG, PG-13, or R by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this chapter.

§ 473-127. Notices.

A. Any notice required or permitted to be given by the Director or any other City office, division, department or other agency under this chapter to any applicant, operator or owner of a sexually oriented business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or any notice of address change that has been received by the Director. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Director or his designee shall cause it to be posted at the principal entrance to the establishment.

B. Any notice required or permitted to be given to the Director by any person under this chapter shall not be deemed given until and unless it is received in the office of the Director.

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2. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

C. It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the Director in writing of any change of residence or mailing address.

§ 473-128. Injunction.

A person who operates or causes to be operated a sexually oriented business without a valid operator's license, or in violation of § 473-113 of this chapter, is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation.

Chapter 479

SIDEWALK CAFES

§ 479-101. Purpose.
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[HISTORY: Adopted by the City Council of the City of Reading 5-29-2007 by Ord. No. 34-2007 (Ch. 10, Part 15, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

Noise — See Ch. 387.

Streets and sidewalks — See Ch. 508.

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§ 479-101. Purpose.

The City of Reading City Council encourages an attractive, functional and economically vital community and shopping areas that are safe and pleasant environments to live near and to do business within. Council recognizes that commercial development is a major identifying feature in a community, offering impressions to residents and visitors alike of the quality of life available. It is Council's intent to encourage commercial growth that contributes to a vibrant and attractive community. As the current Code does not allow sidewalk cafes due to public health and safety concerns, Council believes that these activities can greatly contribute to a pedestrian-friendly community if they conform to specific public health and safety requirements defined herein.

§ 479-102. Permit required.

No person shall engage in the operation of a sidewalk cafe, without first applying for and obtaining a permit from the City of Reading Codes Enforcement Office and then operating within the terms and conditions of all applicable City ordinances. The sidewalk cafe permit enables a restaurant to have outdoor dining, consistent with the terms herein, between April 15 and October 15 of each calendar year.

§ 479-103. Definitions.

For the purpose of this chapter, the following terms shall have the following meanings:

ABUTTING PROPERTY — Property contiguous to a public street right-of-way on which a sidewalk cafe will be operated under the terms of this chapter.

CITY ENGINEER — The Director of Public Works or his authorized representative.

COMMERCIAL CORE — The zoning district defined as the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity.

HEALTH OFFICER — The Health Officer of the City of Reading Codes Enforcement Office or his authorized representative.

MINI CAFE — A sidewalk cafe comprised of bistro tables which seats no more than four persons, does not serve alcohol and is without service from wait staff.

OWNER — Includes any owner of fee simple title, part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole of the land contiguous to the street right-of-way on which a sidewalk cafe is to be operated under the authority of this chapter.

PEDESTRIAN WALKWAY — That portion of a sidewalk area which is free of any obstruction, fixture or appurtenance and is used for pedestrian travel.

PERSON — Includes a partnership, corporation, association, trust, estate or other legally recognized entity, as well as an individual.

PUBLIC SERVICE FACILITY — A public telephone, mailbox, bench or other facility provided for the use of the general public.

RESTAURANT — A food service establishment where food is purchased and served in individual portions for consumption on the premises. This term shall not include an establishment which operates exclusively as a caterer, a commissary, a food processing establishment, a mobile food unit, a retail food store or a temporary food service establishment.

SIDEWALK — Any paved area between the curbline and a structure, whether publicly or privately owned, which is used by the public or open to use by the public.

SIDEWALK CAFE — An outdoor dining area operated by a restaurant, generating 65% of its annual revenue from food sales, serves alcohol, has tables that seat two or more patrons, provides wait staff for its patrons and is located on a sidewalk area or other designated public place and containing removable tables, chairs, plants and related appurtenances, which is not located on or does not encroach upon the pedestrian walkway as established under the provisions of this chapter. It shall not be enclosed by fixed walls and shall be open to the air, except that it may have a canopy. It may, but is not required to, abut its sponsoring restaurant.

STREET RIGHT-OF-WAY — The entire right-of-way of a public highway, public alley or public road, including the designated sidewalk areas.

§ 479-104. Unlawful to operate without registering.

A. It shall be unlawful for any person, firm, corporation, transient merchant, church, club, charitable institution, hawker or peddler to vend, sell or dispose of or offer to vend, sell, dispose of or display, any food, goods, wares, merchandise, produce or vegetables on any

public walk, street, alley or anywhere within the City of Reading without registering with the City Codes Enforcement Office and the Tax Division.

B. The phrase "sidewalk cafe" in this chapter will be applied to both sidewalk cafes and mini cafes unless otherwise stated.

§ 479-105. Issuance of permit; display.

The Codes Enforcement Office is hereby authorized to grant revocable permits for the use of the sidewalks for sidewalk cafes in the Commercial Core Zoning District upon the following terms and conditions. Registration shall be on a permit approved by the City Council. When the Codes Enforcement Office has approved the issuance of a sidewalk cafe permit, the applicant shall be issued a permit. The permit shall contain the information required on the application, the expiration date, and one of the photographs submitted with the application. The permit shall be carried by the applicant at all times when engaged in sidewalk cafe activities and shall be exhibited for inspection for any person.

A. The applicant shall comply with all of the terms and conditions for a sidewalk cafe permit, set forth in this chapter, including, without limitation, the indemnification, and insurance requirements.[1]

B. The applicant shall delineate the cafe area with a removable physical barrier separating patrons from pedestrian traffic. The delineation and layout of the cafe area shall be consistent with the site plan submitted by the applicant.

C. No sidewalk cafe may be operated except:

(1) As an accessory to a restaurant or retail food store lawfully operating on the first floor of the premises.

(2) On the sidewalk in front of the principal place of business of such entity.

(3) By the entity which operates the restaurant or retail food store.

D. Sidewalk cafes shall operate only during the hours that the facility's kitchen is open for service, but not after 11:00 p.m.

E. Furnishings of a sidewalk cafe shall consist solely of readily removable umbrellas, covers, railings, tables, chairs, planters containing live plants, waste receptacles and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property or to any building or structure. All furnishings shall be removed from the sidewalk and stored in an approved manner when the sidewalk cafe is not in operation.

F. All food must be prepared within the existing restaurant or retail food store upon which the cafe permit has been granted.

G. The applicant shall be responsible for obtaining, maintaining in full force and effect and complying with the terms and conditions of any permit which may be required under any other law or regulation for the serving of food or beverages, including alcoholic beverages, at a sidewalk cafe.

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1. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

H. Sidewalk cafes, the public property on which they are located and the surrounding area shall at all times be kept free and clear of litter, debris and any substance that may damage the sidewalk or cause pedestrian injury.

I. The applicant shall maintain a sufficient number of receptacles for the disposal of waste, properly covered to prevent infestation by insects. Such receptacles shall be emptied as often as is necessary, but in no event less than once per day.

J. All sidewalk cafes and attendant facilities shall be inspected by the Codes Enforcement Office or his designee and the Public Works Director or his designee prior to the issuance of a sidewalk cafe permit.

K. Acceptance of a sidewalk cafe permit is an express acknowledgment and consent to the terms and restrictions set by this chapter and the Health Officer. The grant and usage of such permit is a privilege, not a right, subject to reasonable restrictions as set out herein or as may be promulgated by the regulatory authority.

L. As an express condition of the acceptance of a permit hereunder, the recipient agrees to police for trash and debris in an area extending 15 feet in each direction from the outermost portion or boundary of the sidewalk cafe at least twice daily.

§ 479-106. Design standards and regulations.

All sidewalk cafes shall comply with the following standards:

A. A sidewalk cafe shall have a pedestrian walkway with a clear unobstructed width of three feet between the sidewalk cafe and any obstacle (tree, pole, post, sign, planting area, bus shelter, etc.). The pedestrian walkway shall be provided with an unobstructed height of seven feet between the ground plane and an overhead obstacle (tree branch, overhead sign, awning, etc.).

B. No sidewalk cafe may be permanently located within the sidewalk area by means of raised deck platform, fence, walls or other structures or enclosed by fixed walls, except that sidewalk cafe boundaries may be delineated by the use of temporary barriers such as balustrades, cordons or railings. Any such temporary barriers must be easily removed and three feet or less in height above the sidewalk. Under no circumstances shall temporary barriers as authorized hereunder be allowed in the identified pedestrian walkway, nor shall a temporary barrier be affixed to the sidewalk or to any permanent structure, except that it may be attached by removable clips or devices approved in advance by the City Engineer.

C. The City Engineer may approve temporary platforms or similar structures for the sole purpose of leveling sidewalk cafe areas on which sidewalk cafes are located.

D. No sidewalk cafe shall be situated:

(1) Within six feet of any pedestrian crossing as defined in the City of Reading Code.

(2) Within five feet along the street line of any fire hydrant or other emergency facility.

(3) Within five feet of any driveway.

(4) Within 10 feet to the rear of any sign marking a designated bus stop.

(5) In a manner which restricts sight easements of vehicular traffic.

(6) In a manner which obstructs traffic control devices or traffic signs.

E. All sidewalk cafes shall be open to the air.

F. Canopies and awnings may be permitted in accordance with specifications, as delineated by the City Building Code[2] and Chapter 600, Zoning, which relate to height, placement, interference with pedestrian passage and traffic sight easements. HARB approval may be required.

G. Sidewalk cafes shall in no way obstruct the ingress to or the egress from any building or business.

H. All sidewalk cafes and their attendant facilities or improvements shall comply with clearances required for structures in relation to utility lines as provided in the City Building Code.

I. No sidewalk cafe shall be located on the sidewalk between the building facade and a bus stop.

J. No portion of a sidewalk cafe or its facilities, appurtenances, planters, shrubs, tables, chairs or other materials shall be permitted in the pedestrian walkway as defined in this chapter.

K. Sidewalk cafes shall provide and maintain adequate lighting in and around the pedestrian walkway so as to allow sidewalk users to observe and avoid obstructions.

L. Sidewalk cafes shall not obstruct access to hydrants, streetlights, telephones, mailboxes, transit stops or any other public service facility on the sidewalk area or street.

M. No signs shall be hung or attached to any portion of the sidewalk cafe, except those signs that are in compliance with provisions of Chapter 600, Zoning.

N. A sidewalk cafe may be expanded to an abutting property with the written permission of that abutting property owner.

O. In the event that the proposed sidewalk cafe is not in front of a restaurant or abutting property, the applicant must provide written permission from the owner of the property and reasonable procedures that a sidewalk cafe can be operated in a noncontiguous location.

§ 479-107. Regulations.

A sidewalk cafe authorized and operated pursuant to this chapter shall:

A. Comply with all plans submitted to and approved by the Codes Enforcement Office.

B. Serve alcoholic beverages only in conformance with Pennsylvania Liquor Control Board requirements.

C. Operate only during the same hours that the kitchen is open for service. All patrons must be vacated from the sidewalk cafe and all utensils, containers or any other serving materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe shall be removed from the sidewalk cafe area within one hour after the kitchen closes; provided, however, that any railing, flooring or other support or enclosure used in the assembly,

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2. Editor's Note: See Ch. 180, Construction Codes.

operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Code Enforcement Office's approval of the sidewalk cafe plans as described under § 479-107 below.

D. Remove all sidewalk cafe structures by October 30, and not install prior to April 1, in any year for which a permit is granted.

(1) In the event that favorable weather conditions should prevail, a sidewalk cafe may temporarily reopen on a daily basis during the time period set forth in Subsection D above, with the approval of the Codes Enforcement Office. All tables, chairs and other materials must be removed every day by sundown.

E. Use no food serving or food service equipment to hold, store, heat, warm, cool, chill or otherwise keep food to be served outside of the sponsoring restaurant for use in or by a sidewalk cafe.

F. Serve no food or beverages to a patron at a sidewalk cafe unless that patron is seated at a table.

(1) If the sidewalk cafe is located adjacent to the sponsoring restaurant, in lieu of Subsection E above, the following is allowed:

(a) Self-service by patrons, without table service.

(b) Facilities for standing instead of sitting.

G. Play no music, from whatever source (acoustical, electric, or other) on the premises outdoors, except in conformance within Chapter 387, Noise, of the Code of the City of Reading.

H. Police for trash and debris an area extending 15 feet in each direction from the outermost portion or boundary of the sidewalk cafe at least twice daily.[3]

I. Comply with all other provisions of the Code of the City of Reading.

§ 479-108. Permit fees.[4]

Permit fees shall be as provided in Chapter 212, Fees. There shall be no prorating or rebating of permit fees.

§ 479-109. Application requirements.

Each applicant for a permit under this chapter shall submit three copies of his application and plans for the sidewalk cafe to the Codes Enforcement Office, who shall issue a permit upon compliance with the terms and conditions of this chapter. Application must be made within 14 business days prior to the intended start date. Applications for sidewalk cafe permits shall include the following:

A. The name and street address of the applicant.

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3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

4. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

B. The name and street address of the owner of the sidewalk cafe, of the owner of the underlying freehold and/or abutting property owner, if not the same person, and:

(1) A description of the owner of the abutting property, if other than a natural person, including the legal status (corporation, partnership, etc.) and a general description of the type(s) of business operated on the abutting property.

(2) Letter from the abutting property showing their support for the operation of a sidewalk cafe.

(3) Written authority in the form of a power of attorney from the owner to submit the application if the applicant is not the owner of the abutting property.

C. The name and street address of the registered agent for the service of process, if the applicant represents a corporation; or the names and street addresses of the officers or partners, if the applicant represents an association, partnership or other entity.

D. The name and street address of the operator, manager or other person responsible for the operation of the sidewalk cafe.

E. The name under which the sidewalk cafe will be operated.

F. The street address and the City food establishment permit number of the restaurant operating and servicing the sidewalk cafe.

G. A copy of the current City business permit.

H. A site plan drawn to a scale of 1/2 inch equals one foot, showing:

(1) The entirety of the sidewalk abutting the property of the owner.

(2) The frontage of the property proposed for the sidewalk cafe.

(3) All abutting properties.

(4) All existing sidewalk features including, but not limited to, trees, utility poles, sign poles, fire hydrants, permanent litter receptacles, telephone booths, news vending racks and mailboxes.

(5) Any bus stops within 25 feet on either side of the proposed sidewalk cafe area.

(6) Detailed drawings of legible proportions showing the limits of the proposed sidewalk cafe site, the design dimension and proposed location of all proposed temporary structures (i.e., canopies, umbrellas, planters, landscaping, tables, chairs, all exterior lighting, electrical outlets, etc.), the proposed pedestrian walkway and the side and front elevations of the proposed sidewalk cafe.

I. The seating capacity of the proposed sidewalk cafe.

J. A copy or copies of the certificate or certificates of insurance required to be provided.

K. If the serving of alcoholic beverages is proposed, a copy of the current state liquor license that will allow or can be amended to allow applicant to serve alcoholic beverages in the sidewalk cafe.

§ 479-110. Review of application.

A. Before any permit is issued pursuant to this chapter, the plans submitted to the Codes Enforcement Office pursuant to this chapter shall be referred to and approved by the Public Works Director, Reading Police Department and Department of Fire and Rescue Services.

B. The Codes Enforcement Office shall determine if the applicant has:

(1) Obtained the approval of the Public Works Director and Building Official for any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe. No such railing, flooring or other support or enclosure shall be considered an erection of, addition to or a structural alteration of a building or structure under applicable City Building Code unless such railing, flooring or other support or enclosure is permanently attached to such building or structure.

(2) Obtained the approval of the Historical Architectural Review Board (HARB) if the sidewalk cafe is located within any area designated as part of an historic district and if the applicant proposes any facilities which are under the jurisdiction of the HARB. The HARB shall use the review criteria for such plans relating to a sidewalk cafe's specific location, size and structure, for its compatibility of scale and design. Alteration in the plans for a sidewalk sale approved by the HARB requires reapproval from the HARB. Once approval is granted by the HARB, the approved plans are valid and do not require annual reapproval. The HARB shall only review applications which have the written approval from the Public Works Director as specified herein.[5]

(3) Complied with all rules, regulations and specifications of this chapter.

C. The Codes Enforcement Office may impose any other restriction on the location, size or design of the sidewalk cafe that, in his sole judgment, protects the health, safety and welfare of the public.

§ 479-111. Conditions for issuance of permit.

A. Upon approval by the Codes Enforcement Office of the plans submitted by the applicant and upon the applicant furnishing to the City of Reading the following, the Codes Enforcement Office shall issue a permit, valid through the end of the calendar year:

(1) A hold-harmless agreement executed by the applicant and indemnifying the City against loss, including costs and expenses, resulting from injury to person or property as a direct or indirect result of the operation of the sidewalk cafe. Said hold-harmless agreement shall be subject to the approval of the City Solicitor.

(2) Proof of liability insurance in the amount of $500,000 per individual and $100,000,000 per occurrence.

(3) If applicable, proof that the applicant has a State liquor license authorizing him to serve alcoholic beverages in his/her sidewalk cafe.

B. Sidewalk cafe permits are not transferable. Changes in ownership/operation require reapplication for a permit.

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5. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 479-112. Removal of improvements.

A. If the City incurs any costs in removing any equipment or improvements from a sidewalk cafe for the following reasons: the establishment failed to remove equipment at the close of the business day, the establishment went out of business or the establishment failed to renew its permit, within 30 days of the close of the outdoor season, the City shall remove and store all equipment and bill the property owner for the actual costs of labor, materials, equipment or any other item, service, including storage costs, or expense incurred by the City to correct such violation, plus any additional administrative fees. The equipment removed shall remain in the City's possession until the bill for removal and any fines or fees are paid in full.

B. Any bill for such removal of equipment undertaken pursuant to this section shall be billed to and paid by the property owner within 60 days. Upon failure of the property owner to pay the amounts due within 60 days, the City shall assess this uncollected debt on the property taxes of this building.

§ 479-113. Permit renewal.

A sidewalk cafe permit may be renewed annually, upon review of the renewal application and complaint history, if any, which shall be provided by the Codes Enforcement Office, Reading Police Department, Department of Public Works, and Department of Fire and Rescue Services, Bureau of Police. Each agency shall provide to the Codes Enforcement Office copies of any inspection results, complaints filed and citations issued concerning the sidewalk cafe under consideration. The renewal fee for the renewed permit shall be as stipulated in § 379-108 above.

§ 479-114. Written notice of violations; suspension of permit.

Upon finding by either the Codes Enforcement Office or Reading Police Department that an applicant has violated any provisions of this chapter, the Codes Enforcement Office shall give written notice to the applicant to correct said operational violation. Upon failure to correct said operational violation within the time frame specified, the Codes Enforcement Office may take appropriate action, as necessary, to maintain the pedestrian walkway. The Codes Enforcement Office may suspend the applicant's permit issued pursuant to this chapter, as well as pursue prosecution in accordance with the requirements herein. The Codes Enforcement Office shall, in his/her sole judgment, give a violator reasonable time to repair any structural damage or physical violation of any provision of this chapter. An appeal before City Council shall be accorded if requested.

§ 479-115. Violations and penalties; effect on eligibility for permit.

A. Whoever violates any provisions of this chapter shall, upon conviction thereof in a summary proceeding, be fined not less than $200 and not more than $1,000 for each offense, to be collected as other fines and costs are by law collectible, or imprisoned for not more than 90 days, or both. Each day during which a violation occurs shall constitute a separate offense.

B. Any person who is convicted of a violation of any of the provisions of this chapter shall have his permit suspended for one full year and shall not be eligible for another permit until the expiration of one full year.

C. Any person who fails to remove a sidewalk structure by October 30, as provided for in § 479-107, shall not be eligible for a permit in any following year.

D. Failure to observe any of the conditions set out herein is grounds for revocation of a permit. Prior to such revocation, the Codes Enforcement Office shall give 10 days' written notice to the permittee of his violation of or his failure to observe a general condition as set out above. If the permittee requests a hearing prior to the expiration of that ten-day notice period, the Codes Enforcement Office shall hold a hearing to determine if the permit should be revoked. The permittee may present evidence in his own behalf if he so desires. The decision in regard to revocation may be appealed to City Council. If the permittee fails to request such a hearing, the revocation shall become effective upon the expiration of the ten-day notice period. If a permit granted under this section is revoked, all tables, chairs and other appurtenances used as a part of the sidewalk cafe shall be immediately removed from the sidewalk.

E. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may otherwise be available with or without process of law.

§ 479-116. Determination on application.

The Codes Enforcement Office shall grant or deny an application for a permit pursuant to this chapter within 10 business days of its complete submission.

§ 479-117. Reservation of rights.

Neither the adoption of this chapter nor the granting of any permit pursuant hereto shall be construed as a waiver of any right, privilege or immunity of the City of Reading with respect to streets and sidewalks, whether express or implied.[6]

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6. Editor's Note: Original § 10-1518, Penalties for offenses, which immediately followed this section, was repealed during codification (see Ch. 1, General Provisions, Part 2).

Chapter 485

SIGNS

Part 1
Political Campaign Matter

§ 485-101. Definitions.
§ 485-102. Placing of political campaign matter.
§ 485-103. Violations and penalties.

Part 2
Roadside and Utility Pole Signs

§ 485-201. Legislative intent.
§ 485-202. Definitions.
§ 485-203. Temporary signs.
§ 485-204. Duration of posting.
§ 485-205. Consent of owner.
§ 485-206. Registration, permit and fees.
§ 485-207. Accountability of sponsor.
§ 485-208. Conflict with other provisions.
§ 485-209. Removal procedure for unpermitted signs.
§ 485-210. Public nuisance.
§ 485-211. Notice.
§ 485-212. Enforcement.
§ 485-213. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

Zoning — See Ch. 600.

Part 1
Political Campaign Matter

[Adopted 6-7-1972 By Ord. No. 26-1972 (Ch. 19, Part 1, Of The 2001 Code Of Ordinances)]

§ 485-101. Definitions.

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

POLITICAL CAMPAIGN MATTER — Decals, posters, flyers, cards and other printed material, published or printed by or behalf of candidates, committees, political parties or committees for political parties, for the election of candidates to political office or for the furtherance of the candidacy of a candidate or slate of candidates for political office or for any issue to be voted on by the electorate as certified by the County Board of Elections.

§ 485-102. Placing of political campaign matter.

No person shall affix political campaign matter to any private or public real or personal property, including but not limited to utility poles, traffic standards, parking meters, exterior of walls and store windows, billboards and other surfaces, without first having secured the consent of the person or persons owning, leasing or in control or custody of the property upon which said political campaign matter is placed, except that in the case of utility poles, the public utility shall not have the right to give such consent without prior approval of the Council of the City of Reading.

§ 485-103. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

Part 2
Roadside And Utility Pole Signs

[Adopted 3-12-2001 By Ord. No. 5-2001; Amended In Its Entirety 3-22-2010 By Ord. No. 8-2010 (Ch. 19, Part 2, Of The 2001 Code Of Ordinances)]

§ 485-201. Legislative intent.

The City Council makes the following findings:

A. Unauthorized signs along City roads and on utility poles are a danger because they are intended to distract motor vehicle operators and because they often obstruct views of other vehicles.

B. Unauthorized signs along City roads spoil the natural beauty that is an invaluable asset treasured by residents, commuters and visitors.

C. Residents, commuters and visitors have frequently asked City Council members what could be done to eliminate roadside signs including, but not limited to, signs supporting candidates for elected public and labor union offices and signs soliciting for a variety of business interest.

§ 485-202. Definitions.

For the purpose of this Part, the following definition shall apply unless the context clearly indicates or requires a different meaning:

ELECTION — Any regularly scheduled primary or general election, or any special election authorized by the Election Board of the County of Berks.

POLITICAL SIGN — Any temporary sign which publicizes the candidacy or promotes the election of any contestant for elected public office, or which advocates a particular position on any referendum appearing on an election ballot.

SIGN — Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure including bill board or poster panel designed to carry the above visual information.

SPECIAL EVENT SIGN — Any temporary sign announcing an upcoming event, whatsoever in nature. This does not include yard or garage sale signs.

SPONSOR OF A SIGN —

A. For a political sign, the contestant for elected public office whose candidacy is advertised on the sign or, if applicable, the committee or organization promoting the election of said contestant; or the individual, group, organization or other entity listed on the sign as advocating the advertised position on a referendum.

B. For a special event sign, the individual, organization, corporation, government body, or other entity listed on the sign as the producer, promoter, or offeror of the event advertised.

C. For a yard or garage sale sign, the individual, family, or other entity residing at the address listed on the sign.

STREET LIGHT STANDARD — Any pole or standard to which is attached a device used for illuminating a street, sidewalk, or other portion of any public right-of-way.

TEMPORARY SIGN — A sign, poster, placard, or other advertising device pertaining to an event at a fixed and limited time or duration and intended for a limited period of display.

UTILITY POLE — Any pole or standard owned, maintained, serviced, or in any other way utilized by any regulated public utility, and located within the corporate limits of the City of Reading.

YARD OR GARAGE SALE SIGN — Any temporary sign announcing an upcoming public sale of items taking place at a private residence. This shall include, but not be limited to, yard sales, garage sales, and porch sales.

§ 485-203. Temporary signs.

Temporary signs are prohibited as follows:

A. No temporary sign shall be affixed to any utility pole or streetlight standard by means of nails, tacks, staples, or any other metal or hard substance or so as to cover the identifying label of the pole.

B. No temporary sign affixed to any utility pole or streetlight standard shall have a glue, gum backing or other adhesive backing.

C. No temporary sign shall exceed 30 inches in height or 24 inches in width.

D. No temporary sign shall be affixed in any manner to any tree or shrub in the public right-of-way.

E. No temporary sign shall be posted on City property.

F. No temporary sign shall be so posted or constructed as to impair, impede, or otherwise obstruct the free flow of pedestrian or vehicular traffic along a public right-of-way by any pedestrian or vehicle operator.

G. No temporary sign shall be posted on any traffic control device.

H. No yard or garage sale sign which does not include the address and date of the sale may be posted.

§ 485-204. Duration of posting.

A. Political signs may not be posted to a utility pole or streetlight standard earlier than 45 days prior to an election. Such signs shall be removed within seven days following the election.

B. Special event signs may not be affixed to a utility pole or streetlight standard earlier than 30 days prior to the event advertised. Such signs shall be removed within seven days following the event. In cases where a special event sign lists more than one event, the sign shall be removed within seven days following the last event listed.

C. Yard or garage sale signs may not be affixed to a utility pole or streetlight standard earlier than three days prior to the sale advertised. Such signs shall be removed within 24 hours following the close of the sale.

§ 485-205. Consent of owner.

This Part shall not be construed to grant permission to any person, entity, organization or corporation to use any utility pole or other property for the posting of signs, nor shall it be considered to infer the consent of the owner thereof.

§ 485-206. Registration, permit and fees.

A. No person shall post temporary signs without first registering the name and mailing address of the sponsor of said sign in the Codes Office. Such registration shall not be construed to grant permission to post temporary signs on the property of another without said property owner's consent.

B. For signs to be posted, a permit must be obtained in the Codes Office stating the applicant's name, address, telephone number, and the purpose of the sign. The fee shall be set as provided in Chapter 212, Fees.[1]

§ 485-207. Accountability of sponsor.

A. In all cases in which temporary signs are posted, it shall be the responsibility of the sponsor of the sign to insure that each sign is posted and removed in accordance with the provisions of this Part.

B. If any signs are found to have been posted in violation of this Part, or to have remained posted beyond the specified time period for removal of signs, the sponsor of the signs shall be liable to punishment under the terms of this Part.

§ 485-208. Conflict with other provisions.

This Part shall not be in conflict with Chapter 180, Construction Codes, and Chapter 600, Zoning, of the Code of the City of Reading.

§ 485-209. Removal procedure for unpermitted signs.

Any sign found to violate this Part may be removed forthwith by the Department of Public Works employees or by any other City employee. If the sign is located upon a state or County right-of-way, the City may notify the designated state or county authorities of the pending violation.

§ 485-210. Public nuisance.

Any sign posted in violation of this Part is hereby declared to be a nuisance. In addition to any other remedy provided by this Part, the City may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation.

§ 485-211. Notice.

The Zoning Office is authorized to send written notices to individuals or organizations that have violated this Part or who may be inclined to do so in the future, including candidates for elected office.

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1. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

§ 485-212. Enforcement.

Codes Enforcement, Zoning, and the Police Department shall be responsible for enforcing all provisions of this Part.

§ 485-213. Violations and penalties.

A. A violation of this Part shall be a summary offense. Each sign in violation of this Part shall constitute a separate offense. The owner of the sign and/or any person who caused the violation of this Part shall be subject to the prosecution and fine.

B. Any person or persons who violate(s) any provisions of this Part and who fails to comply with any requirements within seven days of being sent notice shall be guilty of a violation. A fine of $10 shall be paid for the first violation of each sign and a fine of $5 for each sign shall be paid for each day thereafter that a violation continues.

Chapter 496

SOLID WASTE

Part 1
Dumpster Placement

* Updated - Ordinance No. 26-2016 § 496-101. Definitions.
§ 496-102. General.
§ 496-103. Conditions of use.
§ 496-104. Permits, fees and fines.
§ 496-105. Administration; violations and penalties.

Part 2
Storage and Collection

§ 496-201. Definitions.
§ 496-202. Authorization of recycling collection.
§ 496-203. (Reserved)
§ 496-204. Collection requirements.
§ 496-205. Authorization of collectors.
§ 496-206. Storage of municipal waste. * Updated - Ordinance No. 27-2016
§ 496-207. Administration; violations and penalties.
§ 496-208. Curbside waste collection fee.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Reading Downtown Improvement District Authority — See Ch. 14, Part 5.

Property maintenance — See Ch. 180, Part 14.

Health code — See Ch. 288, Part 1.

Historic districts — See Ch. 295.

STATE LAW REFERENCES

Solid Waste Management Act — See Ch. 35 P.S. § 6018.101 et seq.

Part 1
Dumpster Placement

[Adopted 7-13-2005 By Ord. No. 38-2005; Amended In Its Entirety 5-14-2007 By Ord. No. 23-2007 (Ch. 20, Part 2, Of The 2001 Code Of Ordinances)]

§ 496-101. Definitions.

The following words and phrases, when used in this Part, shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

BUSINESS DAY — That part of any day on which City Hall is open to the public for carrying on substantially all of its functions.

CART — Any container which is made of rigid plastic, with two wheels, which is intended to be mechanically emptied and used for the purpose of temporarily holding refuse with a maximum capacity of 1/2 cubic yard or 96 gallons.

COMMERCIAL — A property relating to or connected with trade and traffic or commerce in general or a property which includes four or more separate residential dwelling units.

* Updated - Ordinance No. 26-2016

CONTAINER — Any dumpster or cart.

CURBLINE — The line in the public right-of-way, constructed or proposed, as shown on the Official Map, that separates the portion of the public right-of-way dedicated to vehicular traffic from that dedicated to pedestrian traffic.

DUMPSTER — Any container used for the purpose of storing refuse until the scheduled collection day with a capacity of one cubic yard (202 gallons) or greater.

DUMPSTER OWNER — One who rents dumpsters or toters to another (that is, a licensed hauler).

HAULER — Any person, licensed or unlicensed, who collects, transports or disposes of recyclables, solid waste or refuse.

LICENSED HAULER — One who rents dumpsters or toters to another who has a valid state hauler's license. **[Amended 8-26-2013 by Ord. No. 35-2013]**

LESSEE — A property owner or agent thereof who or leases a dumpster or toter from a licensed hauler as defined herein.

OBSTRUCTION — Any structure or other object whatsoever that, in any manner, impedes, obstructs or otherwise limits or prevents that full and unrestricted use whatsoever, by the public, of any public right-of-way.

OFFICIAL MAP — The topographical survey of Reading, Pennsylvania, on file in the Engineering Office.

PASSABLE — Free of any impediment or obstruction, whatsoever, that would hinder the travel of the public.

PERMANENT DUMPSTER — Any dumpster (of three cubic yards or less) intended to be used for an undetermined period of time for the purpose of solid waste storage.

PROPERTY OWNER/LESSEE — A property owner or agent thereof who owns or leases a dumpster or toter as defined herein or who applies and receives a permit for permanent placement of trash receptacle in the public right-of-way.

PUBLIC RIGHT-OF-WAY — The area between topographical building lines (for the purpose of this Part) set aside for public use or ownership as a street, alley, crosswalk, easement or other similar facility.

RESIDENTIAL — A property containing four or fewer separate dwelling units.

SIDEWALK — That portion of the sidewalk area for which paving is required by Chapter 508, Streets and Sidewalks, Part 5, Sidewalks and Curbs.

SIDEWALK AREA — That portion of the public right-of-way occurring between the curbline and the topographical building line (for the purpose of this Part).

STREET PROPERTY LINE — The line that is coincident to and identical with the line marking the extremity of the public right-of-way as shown on the Official Map of the City of Reading.

TEMPORARY DUMPSTER — Any dumpster intended to be used for a specified period of time for the purpose of construction, demolition or rehabilitation waste storage.

TOPOGRAPHICAL BUILDING LINE — The property line as shown on the Official Map of the City of Reading.

TOTER — Any container which is made of rigid plastic, with two wheels, which is intended to be mechanically emptied and used for the purpose of temporarily holding of refuse with a maximum capacity of 1/2 cubic yard or 96 gallons. **[Amended 8-26-2013 by Ord. No. 35-2013]**

TRASH CAN — Any container under 95 gallons made of rigid plastic or metal used to hold refuse that differs in any way from a cart (defined above).

TRASH RECEPTACLE — Container used for the storage of trash.

§ 496-102. General.

A. Dumpster, cart, or trash receptacle lessees, owners, or permittees shall be responsible for keeping the area around the container clean and sanitary as required by herein, Health Code Regulations (Chapter 288, Part 1) and the Property Maintenance Code (Chapter 180, Part 14).

B. Dumpster, cart, or trash receptacles shall not be located in areas visible from the public right-of-way, unless permitted by the Codes Enforcement Division.

C. Each property shall have no more than one cart per unit to a maximum of two carts per property address stored within the public right-of-way.

§ 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 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. **[Amended 12-9-2013 by Ord. No. 70-2013]**

B. Placement and maintenance of dumpsters.

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

(a) Containers in historical districts. No dumpsters 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 dumpster out of view of the public right-of-way as a result of the design of the structure, the location of placement of the dumpster 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 within the view of the public right-of-way is subject to Chapter 295, Historic Districts, where appropriate.

(b) Containers in areas under the jurisdiction of the Downtown Improvement District. No containers 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 pursuant to Chapter 14, Part 5, Reading Downtown Improvement District Authority.

(c) Sidewalk. Containers of three cubic yards or greater may not be placed on sidewalk.

(d) Street. Containers of three cubic yards or less may not be placed in the street.

(2) Identification. The dumpster owner shall place and maintain, on the outside of each dumpster in legible letters not less than one inch in height, the owner's name or company logo, telephone number, and the dumpster permit issued by the Codes Division for such container. All dumpsters shall be fitted with Department of Transportation regulated reflective tape in a vertically stripped fashion on each of the four corners from the top of the base (or bottom), extending around each corner by a minimum of two feet.[1]

(3) Maintenance. All dumpsters shall be well painted, leakproof, in good repair, clean and free of offensive odors. 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 containers 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) Temporary and permanent dumpsters. **[Amended 9-12-2011 by Ord. No. 40A-2011; 5-14-2012 by Ord. No. 53-2012]**

(a) Temporary dumpsters. Temporary dumpsters, incidental to construction, rehabilitation or demolition work, may be placed within the public right-of-way, or on private property, for a maximum of 10 days after receipt of the necessary

1. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

permit. The permit shall be displayed in the window of the property or posted so that it is easily recognizable from the public right-of-way. It shall be the responsibility of the property owner to obtain and display required permits. The property owner shall also ensure that all temporary dumpsters containing refuse, whether placed on private property or within a public right-of-way, are covered with a suitable cover or tarpaulin during: periods of nonuse; night hours (6:00 p.m. to 6:00 a.m.); and high-wind conditions in order to prevent unauthorized use and/or scattering of any contents therein. It shall be the responsibility of the temporary dumpster provider to cover the dumpster during transport. The City shall have the right to impound any unpermitted dumpster at the cost of the property owner and/or dumpster owner.

(b) Permanent dumpsters. Permanent dumpsters (three cubic yards or less) may be placed within the public right-of-way when it has been determined by the Codes Enforcement Division in conjunction with the Department of Public Works that no other location is available for trash collection and storage and the owner has received the necessary permit. The owner must first demonstrate that this dumpster is necessary to ensure the health and safety for area residents and patrons. Dumpster greater than three cubic yards cannot be permanently placed in any right-of-way.

C. Placement and maintenance of permanent carts.

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

(a) Containers in historical districts. No carts 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 cart out of view of the public right-of-way as a result of the design of the structure, the location of placement of the cart 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 within the view of the public right-of-way is subject to Chapter 295, Historic Districts, where appropriate.

(b) Containers in areas under the jurisdiction of the Downtown Improvement District. No cart 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 pursuant to Chapter 14, Part 5, Reading Downtown Improvement District Authority.

(c) Sidewalk. Carts of three cubic yards or greater may not be placed on sidewalk.

(d) Street. Carts of three cubic yards or less may not be placed in the street.

(2) Identification. The cart owner shall place and maintain, on the outside of each dumpster in legible letters not less than one inch in height, the owner's name or

company logo, telephone number, and the dumpster permit issued by the Codes Division for such container. All carts shall be fitted with Department of Transportation regulated reflective tape in a vertically stripped fashion on each of the four corners from the top of the base (or bottom), extending around each corner by a minimum of two feet.[2]

(3) Maintenance. All carts shall be well painted, leakproof, in good repair, clean and free of offensive odors. All carts shall not be loaded at any time in such a manner to constitute overloading thereby preventing suitable required covering.

(4) Clearance requirements. Permitted carts 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.

§ 496-104. Permits, fees and fines.

A. Temporary dumpsters.

(1) The cost of the permit shall be as provided in Chapter 212, Fees.[3]

(2) Permits for temporary dumpsters may be renewed for up to 10 calendar day increments at the sole discretion of the Codes Enforcement Division if the work is deemed to be in the best interest of the public. Each renewal permit shall cost equal to the cost of the first 10 calendar days.

(3) The permit shall be displayed on the trash receptacles for which the permit was issued.

(4) In the event the City incurs costs described herein, an accounting of such expenses shall be delivered along with a bill to the licensed hauler, at which time payment to City shall be due and payable. This shall have no effect on other action the City may take such as issuing citations for violations of this Part.

B. Permanent dumpsters.

(1) Permits shall be obtained by the licensed hauler and are required for each dumpster in the public right-of-way in the City of Reading. The licensed hauler applying for a dumpster permit shall list the address where the dumpster will be serviced.

(2) The dumpster permits may be transferred to other locations within the City of Reading. The licensed hauler must provide the new service address within one business day prior to the relocation of service for the license to be transferred without fee or fine. The dumpster permit may be transferred to other locations within the City of Reading. The licensed hauler must provide the new service address prior to relocating the dumpster to the new address and a new permit will be issued without fee by the Codes Enforcement Division, which must be placed on the dumpster.

(3) The permit shall be displayed on the trash receptacles for which the permit was issued. The permit shall be issued for a period of one year.

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2. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(4) The cost of the dumpster permit shall be as provided in Chapter 212, Fees. The lessee shall provide to the City, upon request, a copy of the lease agreement if applicable and the agreement with the licensed hauler with schedule of pickup.[4]

(5) In the event the City incurs costs described herein, an accounting of such expenses shall be delivered along with a bill to the licensed hauler, at which time payment to City shall be due and payable. This shall have no effect on other action the City may take such as issuing citations for violations of this Part.

C. Permanent cart.

(1) Permits shall be obtained by a licensed hauler and are required for each cart in the public right-of-way in the City of Reading. The licensed hauler applying for a cart permit shall list the address of the property where the cart will be serviced.

(2) The cart permits may be transferred to other locations within the City of Reading. The licensed hauler must provide the new service address prior to relocating the cart to the new address and a new permit will be issued without fee by the Department of Public Works, which must be placed on the cart.

(3) The permit shall be displayed on the cart in a conspicuous location. The permit shall be issued for a period of one year.

(4) The cost of the cart permit shall be as provided in Chapter 212, Fees. The lessee shall provide to the City, upon request, a copy of the lease agreement if applicable and the agreement with the licensed hauler with schedule of pickup.[5]

(5) In the event the City incurs costs described herein, an accounting of such expenses shall be delivered along with a bill to the licensed hauler at which time payment to City shall be due and payable. This shall have no effect on other action the City may take such as issuing citations for violations of this Part.

(6) Containers are permitted to be stored on private property without obtaining a permit.

D. Trash receptacle.

(1) Permits shall be obtained by a property owner as required to place a trash receptacle permanently in the public right-of-way in the City of Reading. The property owner applying for a receptacle permit shall list the address of the property that the receptacle service.

(2) The permit shall be displayed on the receptacle in a conspicuous location or be available for inspection upon request. The permit shall be issued for a period of one year.

(3) The cost of the trash receptacle permit shall be as provided in Chapter 212, Fees.[6]

(4) In the event the City incurs costs described herein, an accounting of such expenses shall be delivered along with a bill to the licensed hauler at which time payment to

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4. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

5. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

6. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

City shall be due and payable. This shall have no effect on other action the City may take such as issuing citations for violations of this Part.

E. Property and liability insurance. Prior to the issuance by the City of any permit or other authority to erect, a dumpster, cart, or receptacle in the public right-of-way, the licensed hauler or person requesting such a permit hereof shall execute a hold harmless agreement in such form as the City shall provide, guaranteeing to defend, protect and compensate the City as a result of any cause of action which may be brought or perfected against the City in connection herewith; or shall deposit with the Law Department of the City of Reading, a certificate of insurance acceptable to the City Solicitor covering such licensed hauler for property damages in an amount of not less than $50,000 for any one claim, and not less than $100,000 for claims arising from the same undertaking, as well as public liability insurance in an amount of not less than $100,000 from any one claim and not less than $300,000 for more than one claim arising from the same undertaking, such certificate shall be for continuous coverage unless canceled by the insurance company at which time the appropriate offices of the City shall be notified, in writing, by such insurance company.

§ 496-105. Administration; violations and penalties.

A. Regulations. The Manager of the Codes Enforcement Division may promulgate such regulations as are necessary for the proper administration and enforcement of this Part.

B. Administrative authority. This Part shall be enforced under the jurisdiction of the City Codes Enforcement Division. Enforcement is delegated to and shared with the Codes Enforcement Division, Police Department and the Department of Public Works.

C. Penalty.

(1) Placement without permit.

(a) Any person who has placed, places or causes to be placed any container in the public right-of-way or view thereof without first obtaining authorization and a permit from the Codes Enforcement Division of the City of Reading upon notice by the City of Reading and failure to comply therewith shall be subject to the provisions and/or penalty as prescribed by this and any other applicable ordinance of the City of Reading.

(2) Removal of container.

(a) Any person who has placed, places or causes to be placed any container in the public right-of-way, when alternative storage and collection methods are available, shall immediately remove such container upon notice by the City and shall be subject to provisions and/or penalty as prescribed by this or other ordinances of the City of Reading.

(b) The failure of the licensed hauler to remove the container, upon notice by lessee or by the City to do so, shall be a violation of this Part and subject to provisions and/or penalty as prescribed by this or other ordinances of the City of Reading herein.

(3) Remedies.

(a) All violations of this Part shall be corrected within five days of notice from the City, or be subject to the fines below:

[1] Whoever violates any provision of this Part shall, upon conviction thereof in a summary proceeding, be fined a minimum of $100 but not more than $1,000. If costs and damages are incurred, restitution shall be awarded to the City in addition to any fines or other penalties awarded herein.

[2] Every violator of the provisions of this Part shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every separate offense.

[3] Noncompliance with any of the provisions contained within this Part may result in the removal of any and all trash receptacles by the City of Reading or its delegates.

Part 2
Storage And Collection

[Adopted 5-22-2006 By Ord. No. 43-2006[7] (Ch. 20, Part 1, Of The 2001 Code Of Ordinances)]

§ 496-201. Definitions.

The following words and phrases, when used in this Part, shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

APPLICANT — A person desirous of being authorized as a "licensed hauler" as that term is defined in this Part.

BULKY WASTE — Discarded large items such as mattresses, furniture and similar household items.

CITY — The City of Reading, Berks County, Pennsylvania.

CONSTRUCTION/DEMOLITION WASTE — Solid waste resulting from the construction or demolition of buildings and other structures including, but not limited to, wood, plaster, metals, asphalt substances, bricks, block and unsegregated concrete.

CONTRACTOR — A person or entity of any type providing recyclable material collection and transportation services under contract with the City.

COLLECTION VEHICLE — A vehicle which is used for hauling recyclables, garbage, trash, refuse or any other waste matter generated by residential, commercial, industrial use, or institutional properties, whether for a fee or not.

COMMINGLED — Source separated, nonputrescible recyclable materials that have been mixed at the source of generation, i.e., placed in the same container.

COMMERCIAL ESTABLISHMENT — Any establishment engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

CURBSIDE COLLECTION — A method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties may dispose of their recyclables by placing them at curbside.

CURBSIDE WASTE — The collective term applying to both municipal waste, recyclable materials and organic waste as defined in this Part. **[Added 3-10-2014 by Ord. No. 20-2014]**

DISPOSAL — The incineration, disposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the waste or a constituent of the waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

DWELLING UNIT — One or more rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof, including mobile homes or house trailers.

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7. Editor's Note: Ord. No. 28-2010, Adopted 6-28-2010, Repealed This Part To The Extent Inconsistent With Or In Direct Contrast To The Property Maintenance Rules And Regulations, Enacted And Authorized By Ord. No. 28-2010 (Ch. 180, Part 13).

GARBAGE — All animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods.

HAULER — Any person, licensed or unlicensed, who collects, transports or disposes of recyclables, solid waste or refuse.

HAZARDOUS WASTE — Any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

A. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness.

B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

ILLEGAL DUMPING — The dumping of any materials at a site, location, tract of land, area, building, structure or premises which is not permitted to be used for the disposal of solid waste, refuse or recyclables.

INDUSTRIAL ESTABLISHMENT — Any establishment engaged in manufacturing or processing including, but not limited to, factories, foundries, mills, processing plants, refineries and the like.

INSTITUTIONAL ESTABLISHMENT — Any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools, nonprofit organizations, churches and universities.

LANDLORD — The owner of developed property or his authorized agent.

LEACHATE — A liquid that has permeated through or drained from solid waste.

LICENSED HAULER — A person licensed by the Commonwealth of Pennsylvania to collect, haul, transport and dispose of municipal waste and recyclables. **[Amended 8-26-2013 by Ord. No. 35-2013]**

MIXED PAPER — Newspaper, cardboard, junk mail, file folders, construction paper, paperback books, phone books, tablet paper, copy paper, wrapping paper, magazines, catalogs and gift boxes.

MULTIFAMILY DWELLINGS — Any building under one roof which contains two or more complete dwelling units.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments or from community activities and which are not classified as residual waste or hazardous waste as herein defined. The term does not include source-separated recyclable materials or organic waste.

ORGANIC WASTE — Leaves, garden residues, grass clippings, shrubbery and tree trimmings and similar materials.

PACKER TRUCK — A motor-driven vehicle having enclosed steel bodies with steel covers and watertight and nonleakable automatic compaction-type bodies.

PERSON — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency, or

any other legal entity whatsoever which is recognized by law as being subject to such rights and duties.

RECYCLABLE MATERIALS — Those recyclable materials specified by the City for separate collection in accordance with this Part. Such materials may include, but not be limited to, aluminum cans, ferrous and bimetal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires and large auto parts.

REFUSE — The collective term applying to all garbage, ashes, leaves and grass trimmings from residential, municipal, commercial or institutional premises.

RESIDENTIAL — Any dwelling unit used as a place of human habitation and which is not used for a commercial, municipal, institutional or a community purpose.

RESIDUAL WASTE — Any discarded material or other waste including solid, semisolid or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations excluding municipal water and sewer operations.

RESTITUTION — The act of giving an equivalent for loss, damage, etc. Restitution shall include all costs incurred by the City in abating the violation, for which the property owner was previously cited under this Part including, but not limited to, the following: labor, equipment, materials, disposal costs and administrative costs incurred by the City for overseeing such services.

ROOMING UNIT — Any room or groups of rooms forming a single habitable unit used or intended to be used for living and sleeping only.

SOLID WASTE — Any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

STORAGE — The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste, and it shall be presumed that the containment of any municipal waste in excess of three months constitutes disposal.

§ 496-202. Authorization of recycling collection.

A. Contracts for collection; authority. The City, through the Public Works Department, shall provide curbside collection, removal, transportation and marketing of recyclable materials from single-family dwellings and multifamily dwellings with four or fewer residential units; or, in the alternative, the City may contract for these services. **[Amended 3-10-2014 by Ord. No. 20-2014]**

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 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. **[Amended 11-28-2011 by Ord. No. 62-2011; 12-9-2013 by Ord. No. 71-2013]**

(2) Owners and occupants of all multifamily residential properties containing five or more residential 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.

(3) Owners and occupants of all commercial, municipal body and institutional establishments and properties and sponsors or organizers of community activities shall keep separate the following recyclables: aluminum cans, corrugated paper and high-grade office paper.

(a) All recyclables which are required to be kept separate from multifamily housing properties containing five or more units, commercial and institutional establishments and properties and community activities shall either be delivered directly to a recycling center or shall be picked up by a licensed hauler. Commercial, institutional establishments, community activities and multifamily housing properties containing five or more units shall not place recyclables within the public right-of-way for curbside collection and shall be placed at an area agreed to by the collector and owner of said property for collection.

(4) From the time of placement for collection of any designated recyclable materials, all such designated recyclable materials shall be the property of the generator or the licensed hauler who has contracted to provide collection. It shall be a violation of this Part for any person, other than a licensed hauler, to collect or pick up or cause to be collected or picked up any such designated recyclable materials.

§ 496-203. (Reserved)[8]

§ 496-204. Collection requirements. [Amended 8-27-2007 by Ord. No. 22-2007; 11-28-2011 by Ord. No. 62-2011; 12-9-2013 by Ord. No. 71-2013; 3-10-2014 by Ord. No. 20-2014]

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8. Editor's Note: Former § 496-203, Recycling service fee, was repealed 3-10-2014 by Ord. No. 20-2014.

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 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.

(2) Exemptions.

(a) Commercial and institutional establishments. Municipal waste generated by commercial or institutional establishments shall not be eligible for City contract collection.

(b) Large residential complex. Where on a single, undivided tract of land under common ownership there is a building or buildings containing a total of five or more dwelling units, such apartment complex shall not be included for municipal waste collection by the authorized City contractor, unless formally requested and approved by the City of Reading.

B. Private collection and disposal responsibility. It shall be the sole responsibility of the owner/operator of all commercial, industrial, institutional and residential properties not listed in Subsection A above to contract with a licensed hauler, at their own expense, for the storage, collection and disposal of all municipal waste 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. Rear alley collection shall be required where possible, unless being serviced under existing contract. Only a licensed hauler shall collect, transport or dispose of municipal waste from within the City of Reading. Municipal waste may be placed at the designated area after 5:00 p.m. the day before collection and must remove all containers by daybreak of the day after pickup.

C. Required collection and hours of collection.

(1) No person other than a licensed hauler, owning a minimum of one packer truck, shall contract to collect or remove municipal waste from any property within the City of Reading.

(2) Nothing in this section shall impair the ability of the City to provide a system for removal and public collection of organic waste.

(3) Haulers shall make a good faith effort to refrain from accepting, picking up or removing any bag or other container of municipal waste which is known to, or is believed to, contain recyclables required to be separated. Upon discovery of such recyclables combined with municipal solid waste at curbside or otherwise placed for pickup, the hauler shall affix a tag or sticker provided by the City to the container.

(4) All licensed haulers shall, at least annually, remove bulky waste from customers at their request or refer their customers to a licensed hauler for such items.

(5) All municipal waste, bulky waste and recyclables shall only be collected between the hours of 6:30 a.m. and 8:00 p.m., Monday through Friday; 6:30 a.m. and 11:30 a.m. on Saturdays. No collection shall be permitted on Sundays. All collections shall occur at rear alley locations where possible. Trash collection will be restricted to a certain day, within designated areas of the City, as directed by the Administration.

(6) No hauler shall collect municipal waste, refuse or recyclables between the hours of 7:30 a.m. to 9:00 a.m. and again between the hours of 4:00 p.m. and 5:30 p.m. on the following streets:

(a) Schuylkill Avenue.

(b) North Fourth Street south of Buttonwood Street.

(c) North Fifth Street south of Buttonwood Street.

(d) Perkiomen Avenue.

(e) Buttonwood Street west of Fourth Street.

(f) Washington Street.

(g) Walnut Street.

(h) Penn Street.

(i) Mineral Spring Road.

(7) Owners of owner-occupied single-family or multifamily dwellings up to and including four units that elect not to participate in the City curbside trash program shall provide per the requirements hereunder a copy of a valid written contract, to the City, for rear-yard (where possible) trash collection service with a licensed hauler.

D. Transportation. Any hauler transporting municipal waste, refuse and recyclables shall prevent and remedy any spillage from their vehicles or containers used in the transport of such solid waste.

(1) Vehicles or containers shall not be overfilled, and shall be cleansed at sufficiently frequent intervals to prevent obnoxious odors or unhealthful conditions. Vehicles shall be so constructed, loaded and driven as to prevent any portion of the load from falling out upon any street, highway or property.

(a) Municipal waste shall be collected in a motor-driven vehicle having enclosed steel bodies with steel covers and watertight, nonleakable automatic compaction-type bodies.

(b) Recyclables are permitted to be collected in pickup trucks which are completely covered during transportation and parking with a cover that meets the following requirements. The cover shall:

[1] Be waterproof-type construction.

[2] Be securely fastened.

[3] Be in direct contact with and able to restrain and/or retain any material being transported.

E. Transfer of waste. The transfer of solid waste from one collection vehicle to another is prohibited within the City of Reading.

F. Removal by hauler. Licensed hauler shall return the municipal waste or recycling receptacle to the premises from which it had been removed. Hauler shall also gather, collect and remove, immediately or within four hours of notification by the Department of Community Development, Property Improvement Division, all solid waste which, by accident or otherwise, may have been placed or has fallen on the sidewalk, street or highway by such hauler.

G. Service complaints. All complaints regarding the collection of recyclables or solid waste shall initially be reported to the licensed hauler. Said complaint shall be given prompt, courteous attention by the hauler. Any complaint which the licensed hauler fails to resolve shall be reported to the City in writing.

H. Reporting responsibility.

(1) Municipal waste.

(a) It shall be the responsibility of the owner/operator of all residential, owner-occupied and non-owner-occupied, commercial, industrial or institutional properties and multifamily dwellings, owner-occupied and non-owner-occupied, not on the City curbside trash removal program to submit the Solid Waste and Recycling Division of the Department of Public Works on a biannual basis, on or before February 1 and again on or before September 1 of each year evidence of a valid current agreement/contract or substantial proof to the satisfaction of the Solid Waste and Recycling Division of the Department of Public Works in the form of supporting documentation of an agreement, as defined herein, with a licensed hauler including the collector's name, address and telephone number. This information shall also include the days and times of collection. For purposes of this Part, supporting documentation of an agreement with a licensed hauler shall include, but not be limited to, a canceled check payable to a licensed hauler indicating for time services rendered, a written receipt from a licensed hauler indicating for time services rendered, correspondence from a licensed hauler indicating the provision of service to the subject property or confirmation of listing of the subject property and owner on a customer list submitted by a licensed hauler. The Department of Public Works must be notified in writing within 24 hours of any such changes. Failure of the owner/operator of the aforesaid premises to submit the information as required herein shall subject the owner/operator to placement on the City curbside trash removal program. Placement on the City curbside trash removal program per the requirements hereof shall result in billing of the owner/operator for the cost thereof and responsibility for said bill. At the discretion of the Manager of the Solid Waste and Recycling Division, a property may be removed from the City curbside trash removal program upon submission, though untimely, of evidence of a valid current agreement/contractor substantial proof in the form of supporting documentation of an agreement, as defined herein, with a

licensed hauler for service of the subject property. Failure of the owner/operator to submit the information as required herein shall, in addition to the above, subject the hauler to penalties provided for in this Code.

(b) Every trash hauler servicing properties in the City of Reading shall submit to the Solid Waste and Recycling Division of the Department of Public Works of the City of Reading on a biannual basis, on or before February 1 and again on or before September 1 of each year, evidence of a current and valid list of all the properties it services by providing trash removal therefor including the address of the property serviced, the name of the owner of the property, an address and telephone number of the owner, and the name, address and telephone number to where the bills are served and/or mailed if different from that of the owner. This information shall be designated in areas by days and time of collection and provided and listed in said manner permitting the identification as to when trash will be collected from the properties. Additionally, the haulers must provide a list of their observed holidays designating alternative dates for collection in areas affected by the holidays. The hauler must notify the Department of Public Works Solid Waste and Recycling Division not later than the 15th of each month of any additions or deletions from their biannual list.

(2) Recycling. The landlord or authorized agent of every multifamily housing property, commercial, institutional establishment and sponsor of a community activity not included in the City's curbside recycling program shall receive a form designated "recycling report" to be provided by the City, which shall indicate where the property's recyclables were delivered. The recycling report and all weight slips obtained from the facility or facilities to which the recyclables were delivered or taken shall be submitted yearly to the City. The landlord is only responsible for submitting yearly reports and weight slips in the event no hauler is contracted to provide the service of removing the recyclables from the property. Otherwise, it shall be the responsibility of such hauler to submit yearly reports and weight slips for the property. Each such yearly report shall be submitted on or before February 15 of each year for the preceding year.

I. Public litter baskets. The City is hereby authorized to collect solid waste from City property, to provide public litter baskets on sidewalks in the City and to dispose of such waste in either a receptacle of a licensed hauler or at a designated disposal site.

J. It shall be the responsibility of the owner/operator of every property in the City of Reading to ensure its compliance with the requirements of this Part including, but not limited to, notifying the occupants of the requirements hereof and ensuring their compliance herewith and that a contract/agreement is undertaken by either a licensed hauler or per the City of Reading curbside trash removal program.

§ 496-205. Authorization of collectors.[9]

A. Collection vehicles. All vehicles used in the collection or transporting of municipal waste, construction/demolition waste or recyclables within the City limits or engaged in the removal of municipal waste, construction/demolition waste or recyclables from within the City, shall be kept in good running order and shall be constructed so that:

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9. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(1) All municipal waste or refuse must be collected in motor-driven vehicles having enclosed steel bodies with steel covers and watertight, nonleakable automatic compaction-type bodies. Pickup trucks shall only be permitted to collect and transport construction/demolition waste and/or recyclables; roll-off-type vehicles shall be permitted to transport municipal waste, construction/demolition waste and recyclables.

(2) Collection vehicles shall not exceed all overall height of 13 1/2 feet at the highest point.

(3) Collection vehicles shall be of a reasonably safe type, without attachments, appendages, or other conditions which could constitute a safety hazard. Conditions shall be deemed to be unsafe if they could cause injury or damage to any person, object or property, due to its projection from normal dimensions of the vehicle.

(4) With regard to open trucks, to be used only for construction/demolition waste and/or recycling, the body thereof shall not have an interior height dimension of more than eight feet; truck beds shall be constructed so that the contents cannot fall from them or be subject to spilling and the cover shall:

(a) Be of waterproof construction.

(b) Be secured properly such that nothing shall be strewn from the vehicle either while in motion or while stationary.

(5) Collection vehicles shall be constructed and maintained to prevent littering, ingress and egress of vectors, odors and other nuisances.

(6) Collection vehicles shall be equipped with a fire extinguisher with a current inspection.

B. Labeling; numbering; inspection of collection vehicles. All vehicles used in the collection or transportation of solid waste shall bear a sign that meets the following requirements:

(1) The sign shall include the name and business address of any person or entity that owns the vehicle.

(a) The name shall be the actual and commonly recognized name of the name of the person or entity being licensed.

(b) The address shall include the City, state, five-digit zip code and telephone number for the principal place of business for the person or entity being licensed.

(c) Any other letter, inscription, work, symbol, figure, marking, whether permanent or temporary are prohibited.

(2) The sign shall include the specific type of solid waste transported by the vehicle:

(a) Municipal waste shall be designated "municipal waste."

(b) Recyclables shall be designated "recyclable waste."

(c) Residual waste shall be designated "residual waste."

(3) The sign shall have identifying letters a minimum of six inches in height. The lettering shall be placed on the roll-off box, body of vehicle or trailer. The required information shall be clearly visible and easily readable.

(4) All vehicles shall always be kept clean and well maintained so as not to create a public nuisance or present in any way a threat to the public health and safety and shall at all times be subject to rigid inspection by any police officer or any authorized agent of the City. Additionally, all vehicles shall be kept free of graffiti.

C. License stickers issuance, display. License sticker shall be permanently affixed upon every vehicle used in the collection, transportation of solid waste and recyclables.

D. Applicability of regulations. The municipal waste or recycling licensee or any person or persons engaged in the collection and removal of solid waste and all householders, firms, corporation, copartnership, fruit and produce dealers, poultry dealers and any and all persons who may or do produce solid waste, shall be subject to legislation, which may, from time to time, be enacted by the City, for the betterment of the service of collection and removal of solid waste or for the convenience of the public.

E. Parking restrictions. Vehicles used for collecting solid waste shall, at all times, be subject to the following restrictions:

(1) If loaded or partially loaded:

(a) No parking or standing on any street, highway or alley at any time in excess of one hour.

(b) No off-street parking at any time in excess of two hours.

(2) If empty:

(a) No parking on any highways, streets or alleys at any time in excess of one hour.

(b) No off-street parking at any time in excess of 48 hours and no more than four hours if the vehicle is within 400 feet of an occupied dwelling or in a residential area.

(c) No off-street parking in excess of 48 hours.

F. Permitted parking. Compliance with Chapter 600, Zoning, shall be required.

* Updated - Ordinance No. 27-2016 **§ 496-206. Storage of municipal waste.**

A. General.

(1) It shall be the duty of every owner of property and every person occupying any dwelling unit, premises or place of business within the City of Reading where solid waste is produced and is accumulated, at their own expense, to provide, and keep at all times, a sufficient number of containers to hold all solid waste which may accumulate during the intervals between collection.

(2) It shall be the duty of every owner of multifamily dwellings, to permanently post and maintain in each unit the solid waste and recycling rules and regulations.

(3) It shall be unlawful to condone, cause or permit any person to deposit or remove any solid waste, refuse or recyclable from, on or in, any property, structure or trash or recycling receptacle within the City of Reading.

(4) Burning. No person shall ignite, cause, feed, permit or maintain any fire for the destruction of solid waste on or in any property or structure under his control without first having obtained a permit from the Pennsylvania Department of Environmental Protection.

(5) Disposal of organic waste. Unless otherwise provided for composting, all persons shall keep organic waste separate from all other forms of municipal waste and recyclables. Leaves shall be collected by the City in the spring and fall of each year and shall be disposed of at a designated City facility, operated in accordance with Pennsylvania Department of Environmental Protection.

B. Storage by residential and multifamily units of four or fewer units.

(1) Containers. All municipal waste accumulated by the owners and/or occupants, shall be placed in containers for collection by a licensed hauler. The containers shall be durable, watertight, and made of metal or plastic. The containers shall have tightly fitting covers and shall be kept clean. All containers shall be stored in the rear of the property in an area that is not visible from the public right-of-way.

(2) Plastic bags. Can be used as municipal waste receptacles, for collection purposes only, provided that they are sealed to prevent scattering about of their contents and do not contain any rips, tears or punctures.

(3) Trash shall not be stored within the public right-of-way and shall only be placed within the public right-of-way for collection purposes after 6:00 p.m. the night before the scheduled collection and shall be removed from the public right-of-way by daybreak the day after the scheduled collection. **[Amended 11-28-2011 by Ord. No. 62-2011]**

C. Storage of multifamily dwelling, commercial, industrial and institutional properties using private collection.

(1) Containers. Storage of municipal waste on all multifamily dwelling properties shall be in a bulk container as specified in Subsection C(1)(a) below. Storage of municipal waste on commercial, industrial and institutional properties shall be in the same manner and kept in the same type of container as is required for residential properties except where the accumulation on commercial, industrial or institutional property precludes their use, in which case, such owner or occupant shall make special arrangements with a licensed hauler for the storing of such additional quantities. Such arrangements shall include the following: The type of special bulk container to be furnished by the collector shall be approved by the Department of Community Development or their designee. The special bulk container shall have a lid which must remain closed except when municipal waste is being added to or removed from the container. No one other than a licensed hauler, owner or authorized agent may place or remove any article from a bulky container, trash receptacle or recycling container. The containers shall be kept clean and in good repair. In the event of contract termination, it shall be the responsibility of the licensed hauler servicing said bulk container to empty and remove said container at hauler's cost. Any licensed

hauler who desires to place any large bulk container on a street or other public right-of-way in the City shall comply with all City ordinances.

(a) The number of such containers to be used in any collection period shall be agreed to between the licensed hauler and owner or occupant of the multifamily dwelling, commercial, industrial or institutional property.

(b) The containers must be collected as frequently as necessary to meet the needs of the customer without causing or creating a health violation or violation of this Part.

(2) Recycling program. Persons are hereby required to separate organic waste from other municipal waste generated at their home, apartment, and other residential, commercial and institutional establishment. The landlords or agent with multifamily rental housing properties of five or more units shall comply with the responsibilities under this section, must establish a collection system for recyclable materials at each property. The collection system shall include suitable containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who establish such a collection system, as provided in this Part, shall not be liable for the noncompliance of occupants in their buildings with respect to this recycling program.

(3) Location of containers. Containers for collection at multifamily dwellings, commercial, institutional, industrial properties using private collection shall be located in the rear of said premises, and shall not be visible from the public right-of-way, at a place agreed upon by the owner or occupant of the property and the licensed hauler, and shall not be unsatisfactory to the Department of Public Works or the Department of Community Development. Such containers shall not be placed in the public right-of-way for collection prior to 6:00 p.m. the night before scheduled collection and shall be removed by daybreak the day after the scheduled collection and shall not interfere with public or private sidewalks, walkways, driveways, roads, streets, easements, highways or entrances and exits of public or private buildings during the collection period and shall be in compliance with all applicable laws. Containers which are on wheels to facilitate their movement shall remain blocked at all times while unattended to prevent unintentional movement. Containers shall also be posted with "DO NOT PLAY ON OR AROUND" signs to prevent unintentional injuries to children.[10]

D. Presumption of ownership of municipal waste and recyclables.

(1) Any articles found within a municipal waste container, recycling container or garbage bag displaying the name and/or address of a person and/or persons that container or bag shall be presumed to be the property of such person and/or persons.

(2) Any municipal waste, refuse or recyclable materials found not to be disposed of in accordance with this Part shall be cause for the Department of Community Development to require the person responsible for the generation of such material to establish that he/she has disposed of his/her municipal waste, refuse or recyclable materials as required by and in accordance with this Part. If said person is unable to

10. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

establish that he/she has provided for the proper and legal disposal of these materials, said person shall be deemed to have violated this Part and shall be subject to penalties set forth herein.[11]

(3) It shall be the responsibility of the owner and/or occupant of all residential, commercial and institutional establishments to ensure that their municipal waste, refuse and recyclable materials are disposed of properly, as required and defined under this Part.

§ 496-207. Administration; violations and penalties. [Amended 8-27-2007 by Ord. No. 22-2007; 4-14-2008 by Ord. No. 51-2008]

A. Authorized retrieval and responsibility therefor.

(1) Abatement and costs/billing. The City of Reading contractor for curbside trash removal is authorized to pick up, abate and/or remove violations of this Part, including, but not limited to, items not picked up by the property's contracted hauler, placement of bags for retrieval in excess of that permitted, dumping or items placed improperly. The City of Reading contractor for curbside trash removal shall obtain documentation of such violations and note the address thereof prior to retrieval of said violations. The contractor shall report the violations, provide proof thereof and the documentation of their removal to the Manager or his/her designee City of Reading Solid Waste Division and/or Property Maintenance Official assigned to the area from the violation was retrieved. The contractor shall additionally issue a bill to the City of Reading for the retrieval of the violations noting the date and address of the same. The City of Reading shall then issue a bill to the owner of the property from where the violation was retrieved for the costs it incurred to abate the violation. The City of Reading's contractor's removal of the violation and issuance of the City of a bill therefor shall not be exclusive remedy for abatement of such violations. The City reserves the right to undertake any additional action for such violation including but not limited commencing any appropriate legal action to recover costs for the abatement and/or commencement of penalty proceedings as set forth herein.[12]

(2) Means of appeal.

(a) Application for appeal. Any person aggrieved by the aforesaid procedure to abate, bill and collect costs for abatement of violation of this Part as set forth above in Subsection A(1) shall have the right to appeal to the Solid Waste and Recycling Appeals Board, provided that a written application for appeal is filed within 20 days after issuance of the bill for collection of costs for abatement of violation of this Part per above. An application for appeal shall be on a form prepared and provided by the City. An administrative fee of $25 shall be charged for each appeal.

(b) Membership of Board. The Board of Appeals shall consist of two members of City Council and three citizens of Reading who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Solid Waste and Recycling Manager shall be

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11. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

12. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

an ex officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the governing body, and shall serve staggered and overlapping terms. The term for citizen appointees shall be for a period of three years.

[1] Chairman. The Board shall annually select one of its members to serve as Chairman.

[2] Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[3] Secretary. The City Clerk shall serve as Secretary to the Board. A detailed record of all proceedings will be filed in the office of the City Clerk for the City of Reading.

[4] Quorum. A quorum shall consist of not less than two-thirds of the Board membership.

(c) Notice of meeting. The Solid Waste and Recycling Appeals Board of Appeals shall meet upon notice from the Chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

(d) Open hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Solid Waste and Recycling Manager and any person whose interests are affected shall be given an opportunity to be heard in accordance with speaking rules defined by the Board.

(e) Procedure. The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(f) Postponed hearing. When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(g) Board decision. The Board shall modify or reverse the City's enforcement officer only by a concurring vote of a majority of the total number of appointed Board members.

[1] Records and copies. The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the Solid Waste and Recycling Division Manager.

[2] Administration. The Solid Waste and Recycling Division Manager shall take immediate action in accordance with the decision of the Board.

(h) Court review. Any party to the appeal to the Board shall have to the appeal the decision of the Board to the appropriate court of jurisdiction the manner and time required by law following the filing of the decision in the office of the City Clerk of the City of Reading.

(i) Stays of enforcement. Appeals of decisions of the Board shall stay the enforcement and collection of the bill for costs of abatement of violation of this Part as provided for in Subsection A(1).

B. Violations and penalty.

(1) Prosecution of violation. In addition to abating a violation of this Part and billing for costs of said abatement as provided for in Subsection A(1) herein, at the discretion of the City of Reading, legal proceedings in the form of summary offense shall be commenced by the appropriate authority with enforcement power against any person failing to comply with the provisions of this Part and the violation shall be deemed a strict liability offense. At the discretion of the City of Reading, any action taken thereby on such premises to abate the violation shall be charged against the real estate upon which the structure is located and requested as restitution in any legal proceedings or shall be a lien upon such real estate in lieu of billing of costs for such abatement as provided for in Subsection A(1).

(2) Penalties.

(a) Any person or entity found to be in violation of any provision of this Part shall, upon first conviction, be fined not less than $50 but not more than $300 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. If costs for abatement are incurred by the City, restitution of 200% of the costs shall be awarded to the City in addition to any fines or other penalties awarded herein. Owner shall also be required to provide a receipt from a licensed trash hauler for one year of prepaid trash collection service.

(b) Upon second or subsequent offenses occurring within five years of a first offense, fines shall be doubled, to a minimum fine of $100 but not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. If costs for abatement are incurred by the City, restitution of 200% of the costs shall be awarded to the City in addition to any fines or other penalties awarded herein. Owner shall also be required to provide a receipt from a licensed trash hauler for one year of prepaid trash collection service.

(c) Every violator of the provisions of this Part shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every separate offense.

C. Enforcement. The City's Code Enforcement Division, Department of Public Works, the Police Department and any other City enforcement officers are authorized and directed to enforce this Part. The Director of the Department of Public Works is hereby authorized and directed to promulgate and establish reasonable rules and regulations for the collection, storage and disposal of solid waste in accordance with the terms herein and any other matters required to implement this Part. The City may change, modify, repeal or amend any portion of said rules and regulations at any time.

D. Forfeiture and seizure. Any person or entity violating relevant provisions of this Part, including collection of trash outside of the zoned collection day, may be subject to forfeiture and seizure of property as set forth in 53 P.S. § 4000.1715 and 25 Pa. Code § 271.431.[13]

§ 496-208. Curbside waste collection fee. [Added 3-10-2014 by Ord. No. 20-2014]

A. There is hereby imposed upon the owner of each dwelling unit who, pursuant to § 496-204A, participates in the City's municipal waste program an annual fee, contained in the City Code Chapter 212, for the removal of curbside waste as defined in this Part.

B. The Director of Public Works shall submit an annual report by October 1 to City Council detailing projected expenses and revenues for the upcoming year and recommend a service fee to cover all costs associated with the collection and removal of all curbside waste. The report shall specifically detail the amount of the curbside waste fee that is imposed to cover the costs associated with the collection of municipal waste, which shall be used to determine the amount of the fee imposed upon owners of single-family dwellings and multifamily dwellings with four or fewer residential units who do not participate in the City's municipal waste program.

C. There is hereby imposed upon owners of single-family dwellings and multifamily dwellings with four or fewer residential units who do not participate in the City's municipal waste program a fee in an amount to cover the costs of the City's removal of curbside waste which shall be reduced by the amount equal to the costs associated with the collection of municipal waste as determined in the annual report.

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13. Editor's Note: Original Subsection 5, Continued right and City contract, which immediately followed this subsection, was repealed 8-26-2013 by Ord. No. 35-2013.

Chapter 502

STORAGE FACILITIES

Part 1
Portable Home Storage Units

§ 502-101. Purpose.

§ 502-102. Definitions.

§ 502-103. Permit required; application; insurance; fee.

§ 502-104. Duration.

§ 502-105. Limitation of number of permits for PHSUs.

§ 502-106. Permits for extended hardship.

§ 502-107. Location.

§ 502-108. Number of units.

§ 502-109. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Historic districts — See Ch. 295.

Streets and sidewalks — See Ch. 508.

Zoning — See Ch. 600.

Part 1
Portable Home Storage Units

[Adopted 2-25-2008 By Ord. No. 19-2008 (Ch. 10, Part 19, Of The 2001 Code Of Ordinances)]

§ 502-101. Purpose.

In order to enhance the public health, safety and welfare of the citizens of Reading, the City of Reading City Council recognizes the necessity for the regulation of the location, licensing, storage regulation and placement of portable home storage units at residential parcels within the City.

§ 502-102. Definitions.

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

PORTABLE HOME STORAGE UNITS — Portable sheds (hereinafter referred to as "PHSUs") that are used for the purpose of being loaded with materials and placed on a residential parcel for purposes of temporary storage of materials, including but not limited to household goods, building materials (prior to being used for building purposes), and for any other storage on a limited basis on a parcel which is either zoned residential or used primarily for residential purposes.

§ 502-103. Permit required; application; insurance; fee.

A. Prior to the placement of any PHSU on any residential parcel in the City of Reading, the owner of such parcel must apply for and obtain a permit for the placement of such PHSU from the City of Reading Department of Public Works.

B. All applications for permit under this section must be accompanied by an insurance certificate providing liability insurance in an amount not less than $100,000 in general liability coverage from the company supplying the PHSU.

C. The City of Reading shall collect an application fee for each permit issued hereunder for a five-day permit, as provided in Chapter 212, Fees.[1]

D. Permits issued under this section, and any renewal of permits issued hereunder, must be signed by a Public Works Official of the City and prominently displayed on the PHSU for which the permit is issued in a sealed and watertight manner, so as to protect the permit from denigration by the weather, rain or other elements.

§ 502-104. Duration.

A. Initial permits may be granted for a period of five days by the Public Works Official, upon proper submission of the required application and supporting documentation as provided under § 502-103.

B. After the expiration of the five-day period for the initial permit, an applicant may submit an extension application for an additional two days. All such applications for an extension of permit must be accompanied by an extension fee in the amount specified in Chapter 212, Fees.[2]

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1. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

C. No more than one extension may be granted for any permit issued under this Part for any PHSU.

§ 502-105. Limitation of number of permits for PHSUs.

No resident under this Part may be issued more than two permits for the placement of a PHSU during any twelve-month period. Such limitations shall include applications for extension.

§ 502-106. Permits for extended hardship.

Upon a finding by the Public Works Official, and/or any other official so authorized, that a parcel of property has experienced a flood, fire, natural disaster or other act of God, so as to render the primary residential dwelling thereon uninhabitable, and so as to require, in the judgment of the Public Works Official and/or any other official so authorized, the placement of a PHSU on the property or on a street for a period longer than that provided under § 502-104 or 502-105, the Public Works Official and/or other authorized official may issue an extended hardship permit under this section, for the placement of a PHSU for such period of time as fixed by the Public Works Official and not otherwise subject to the limitations provided under this Part. All such extended hardship permits must be duly registered with the City of Reading Department of Public Works and shall be issued without application fee.

§ 502-107. Location.

A. All PHSUs must be kept in the driveway of the parcel at the farthest accessible point from the street.

B. In the event that a parcel is devoid of a driveway or other paved surface, permitted PHSUs may be placed in the parking lane of a public right-of-way area, without violating a minimum sidewalk clearance of five feet, or on another area of private property.

C. PHSUs in Historical Districts and in areas of the Downtown Improvement District. No PHSU 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 or areas in the Downtown Improvement District without review and approval of the Department of Public Works and the Historic Preservation Specialist pursuant to Chapter 295, Historic Districts, of the Code of the City of Reading.

§ 502-108. Number of units.

Only one PHSU may be placed on any one residential parcel at one time. The Public Works Official, and/or any other authorized official, is authorized to permit the placement of more than one PHSU under the terms of § 502-106, in the event that the circumstances giving rise to the hardship permit warrant the placement of additional PHSUs in order to accommodate the storage of interior furnishing, goods and materials from a residence substantially damaged by flood, fire, act of God or other natural disaster.

§ 502-109. Violations and penalties.

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2. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

A. Any person who shall place a PHSU in violation of this Part shall, upon conviction before a Magisterial District Judge, be sentenced to pay a fine not exceeding $1,000, together with the cost of prosecution, and upon default from the payment thereof, may be sentenced to undergo imprisonment for a period not exceeding 30 days. Each day in which a violation shall continue after due notice to the property owner, shall be deemed a separate offense, punishable by the terms and conditions provided under this section.

B. Any Public Works Official, or law enforcement officer of the City of Reading, and/or any other official so authorized, is duly empowered to enforce the terms, conditions and provision of this Part, and to commence such summary criminal proceedings as may be warranted upon the finding of any violation of the terms, conditions and provisions of this Part.

Chapter 505

STORMWATER MANAGEMENT

Part 1
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[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision and land development — See Ch. 515.
Zoning — See Ch. 600.

STATE LAW REFERENCES

Stormwater Management Act — See 32 P.S. § 680.1 et seq.

Part 1
Watershed Stormwater Management

[Adopted 8-25-2008 By Ord. No. 49-2008 (Ch. 26, Part 1, Of The 2001 Code Of Ordinances)]

A
General Provisions

§ 505-101. Short title.

This Part shall be known and may be cited as the "Watershed Stormwater Management Ordinance."

§ 505-102. Findings.

The governing body of the municipality finds that:

A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood-reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.

B. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of streambeds and stream banks, thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.

C. A comprehensive program of stormwater management (SWM), including minimization of impacts of development, redevelopment and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of the municipality and all the people of the commonwealth, their resources, and the environment.

D. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed poses a threat to surface and groundwater quality.

E. Stormwater can be an important water resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.

F. Impacts from stormwater runoff can be minimized by using project designs that maintain the natural hydrologic regime, and sustain high water quality, groundwater recharge, stream baseflow and aquatic ecosystems. The most cost-effective and environmentally advantageous way to manage stormwater runoff is through nonstructural project design, minimizing impervious surfaces and sprawl, avoiding sensitive areas (i.e., stream buffers, floodplains, steep slopes), and designing to topography and soils to maintain the natural hydrologic regime.

G. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.

H. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

I. Nonstormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the commonwealth by the municipality.

§ 505-103. Purpose.

The purpose of this Part is to promote the public health, safety, and welfare within the City of Reading and its watersheds by maintaining the natural hydrologic regime by minimizing the impacts described in § 505-102 of this Part through provisions designed to:

A. Promote alternative project designs and layout that minimizes impacts to surface and groundwater.

B. Promote nonstructural best management practices (BMPs).

C. Minimize increases in stormwater volume.

D. Minimize impervious surfaces.

E. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems.

F. Provide review procedures and performance standards for stormwater planning and management.

G. Utilize and preserve the existing natural drainage systems.

H. Manage stormwater impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.

I. Focus on infiltration of stormwater where compatible, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.

J. Maintain existing base flows and quality of streams and watercourses, where possible.

K. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code, Chapter 93.4a, to protect and maintain existing uses and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in special protection streams.

L. Address the quality and quantity of stormwater discharges from the development site.

M. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.

N. Implement an illegal discharge detection and elimination program to address nonstormwater discharges into the municipality's separate storm sewer system.

O. Preserve and restore the flood-carrying capacity of streams.

P. Prevent scour and erosion of stream banks and streambeds.

Q. Provide performance standards and design criteria for watershed-wide stormwater management and planning.

R. Provide proper operation and maintenance of all permanent stormwater management facilities and BMPs that are implemented in the municipality.

§ 505-104. Statutory authority.

The municipality is empowered to regulate land use activities that affect runoff, surface and groundwater quality and quantity by the authority of:

A. Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1 et seq., as amended, the "Stormwater Management Act" (hereinafter referred to as "the Act");

B. Water Resources Management Act of 2002, as amended;

C. Pennsylvania Municipalities Planning Code (MPC), Act 247,[1] as amended; and

D. The Third Class City Code, Act 317,[2] as amended.

§ 505-105. Applicability; regulated activities.

A. This Part shall apply to those areas of the City of Reading within the Schuylkill River and Tulpehocken Creek Watersheds, as delineated in Appendix D which is hereby adopted as part of this Part.[3]

B. This Part shall only apply to permanent nonstructural and structural stormwater management best management practices (BMPs) constructed as part of any of the regulated activities listed in this section.

C. This Part contains only the stormwater management performance standards and design criteria that are necessary or desirable from a watershed-wide perspective. Local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by the applicable municipal ordinances and applicable state regulations.

D. The following activities are defined as "regulated activities" and shall be regulated by this Part:

(1) Land development.

(2) Subdivisions.

(3) Alteration of the natural hydrologic regime.

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1. **Editor's Note: See 53 P.S. § 10101 et seq.**
2. **Editor's Note: See 53 P.S. § 35101 et seq.**
3. **Editor's Note: Appendix D is included at the end of this chapter.**

(4) Construction or reconstruction of, or additional impervious or semipervious surfaces (driveways, parking lots, roads, etc.).

(5) Construction of new buildings or additions to existing buildings.

(6) Redevelopment of a site which will increase runoff or change a discharge point. Any redevelopment that does not increase the runoff must still comply with § 505-124, Nonstructural project design, § 505-125, Groundwater recharge, § 505-126, Water quality requirements, and § 505-127, Stream bank erosion requirements"

(7) Diversion piping or encroachments in any natural or man-made channel.

(8) Nonstructural and structural stormwater management BMPs or appurtenances thereto.

(9) Regulated earth disturbance.[4]

(10) City permit-regulated construction activities.

(11) Any of the above-regulated activities which were approved more than five years prior to the effective date of this Part and resubmitted for municipal approval.

§ 505-106. Compatibility with other ordinance requirements.

A. Approvals issued pursuant to this Part do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.

B. Nothing in this Part shall be construed to affect any of the municipality's requirements regarding stormwater matters which do not conflict with the provisions of this Part, such as local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain the requirements of this Part addressing state water quality requirements.

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4. Note: Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This Part shall operate in coordination with those parallel requirements; the requirements of this Part shall be no less restrictive in meeting the purposes of this Part than state law.

B
Terminology

§ 505-111. Interpretation.

For the purposes of this Part, certain terms and words used herein shall be interpreted as follows:

A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.

B. The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.

C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, unit of government, or any other similar entity.

D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained."

§ 505-112. Definitions.

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

ACCELERATED EROSION — The removal of the surface of the land through the combined action of man's activity and the natural processes of a rate greater than would occur because of the natural process alone.

AGRICULTURAL ACTIVITIES — The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. For purposes of regulation by this Part, construction of new buildings or impervious area is not considered an agricultural activity.

ALTERATION — As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

AS-BUILT DRAWINGS — Those maintained by the contractor as he constructs the project and upon which he documents the actual locations of the building components and changes to the original contract documents. These, or a copy of same, are turned over to the engineer, Municipal Engineer, and municipality in the current City standard format for hard copy, electronic copy, and reproducibles at the completion of the project. See also "record drawing" in this section.

APPLICANT — A person who has filed an application for approval to engage in any regulated activities as defined in § 505-105 of this Part.

BANKFULL — The channel at the top-of-bank or point where water begins to overflow onto a floodplain.

BASEFLOW — Portion of stream discharge derived from groundwater; the sustained discharge that does not result from direct runoff or from water diversions, reservoir releases, piped discharges, or other human activities.

BIORETENTION — A stormwater retention area which utilizes woody and herbaceous plants and soils to remove pollutants before infiltration occurs.

BMP (BEST MANAGEMENT PRACTICE) — Methods, measures or practices to prevent or reduce surface runoff and/or water pollution including, but not limited to, structural and nonstructural stormwater management practices and operation and maintenance procedures. See also "nonstructural best management practices (BMPs)."

BUFFER — The area of land immediately adjacent to any stream, measured perpendicular to and horizontally from the top-of-bank on both sides of a stream. (See "top-of-bank.")

CHANNEL — A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

CHANNEL EROSION — The widening, deepening, and headward cutting of small channels and waterways, caused by stormwater runoff or bankfull flows.

CISTERN — An underground reservoir or tank for storing rainwater.

CONSERVATION DISTRICT — The Berks County Conservation District.

CULVERT — A structure with appurtenant works which carries water under or through an embankment or fill.

DAM — An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

DEPARTMENT — The Pennsylvania Department of Environmental Protection.

DESIGNEE — The agent of the Berks County Planning Commission, Berks County Conservation District and/or agent of the governing body involved with the administration, review or enforcement of any provisions of this Part by contract or memorandum of understanding.

DESIGN PROFESSIONAL (QUALIFIED) — A Pennsylvania registered professional engineer, registered landscape architect, professional geologist, qualified soils scientist or a registered professional land surveyor qualified to perform the specific design task at hand based upon the applicable code of ethics.

DESIGN STORM — The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a five-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems.

DESIGNATED WATERSHED (ACT 167) — A watershed which is listed under the Pennsylvania Department of Environmental Protection's "Index of Designated Watersheds (Stormwater Management)" pursuant to the Stormwater Management Act, P.L. 864, No. 167, October 4, 1978,[5] and published in the Pennsylvania Bulletin on May 31, 1980, and August 9, 1980, as amended on November 19, 1991, April 21, 1992, June 21, 1994, April 16, 1996, April 15, 1997, and December 16, 1997.

DETENTION BASIN — An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are

5. **Editor's Note: See 32 P.S. § 680.1 et seq.**

designed to drain completely shortly after any given rainfall event and are dry until the next rainfall event.

DEVELOPER — A person that seeks to undertake any regulated activities at a project site in the municipality.

DEVELOPMENT — Any human-induced change to improved or unimproved real estate, whether public or private, including but not limited to land development, construction, installation, or expansion of a building or other structure, land division, street construction, drilling, and site alteration such as embankments, dredging, grubbing, grading, paving, parking or storage facilities, excavation, filling, stockpiling, or clearing. As used in this Part, "development" encompasses both new development and redevelopment.

DEVELOPMENT SITE — The specific tract of land where any regulated activities in the municipality are planned, conducted or maintained.

DIFFUSED DRAINAGE DISCHARGE — Drainage discharge not confined to a single point location or channel, such as sheet flow or shallow concentrated flow.

DISCHARGE —

A. (Verb) to release water from a project, site, aquifer, drainage basin or other point of interest.

B. (Noun) the rate and volume of flow of water such as in a stream, generally expressed in cubic feet per second (volume per unit of time). See also "peak discharge."

DISCHARGE POINT — The point of discharge for a stormwater facility.

DISTURBED AREAS — Unstabilized land area where an earth disturbance activity is occurring or has occurred.

DITCH — An artificial waterway for irrigation or stormwater conveyance.

DOWNSLOPE PROPERTY LINE — That portion of the property line of the lot, tract, or parcels of land being developed located such that overland or pipe flow from the site would be directed towards it.

DRAINAGE CONVEYANCE FACILITY — A stormwater management facility designed to transmit stormwater runoff and shall include channels, swales, pipes, conduits, culverts, storm sewers, etc.

DRAINAGE EASEMENT — A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

DRAINAGE PERMIT — A permit issued by the municipal governing body after the drainage plan has been approved.

DRAINAGE PLAN — The documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in § 505-143.

EARTH DISTURBANCE ACTIVITY — A construction or other human activity which disturbs the surface of land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EMERGENCY SPILLWAY — A conveyance area that is used to pass peak discharge greater than the maximum design storm controlled by the stormwater facility.

ENCROACHMENT — A structure or activity that changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water.

EROSION — The process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.

EROSION AND SEDIMENT CONTROL PLAN — A plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

EXCEPTIONAL VALUE WATERS — Surface waters of high quality which satisfy Pennsylvania Code, Title 25, Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(b) (relating to antidegradation).

EXISTING CONDITIONS — The initial condition of a project site prior to the proposed alteration. If the initial condition of the site is undeveloped land, the land use shall be considered as "meadow" unless the natural land cover is proven to generate lower curve numbers or Rational "C" value, such as forested lands.

FLOOD — A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers, and other waters of this commonwealth.

FLOODPLAIN — Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary — Mapped as being a special flood hazard area.

FLOODWAY — The channel of the watercourse and those portions of the adjoining floodplains, which are reasonably required to carry and discharge the one-hundred-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one-hundred-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top-of-bank.

FLUVIAL GEOMORPHOLOGY — The study of landforms associated with river channels and the processes that form them.

FOREST MANAGEMENT/TIMBER OPERATIONS — Planning and activities necessary for the management of forest land with no change of land use proposed. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting and reforestation.

FREEBOARD — A vertical distance between the elevation of the design high-water and the top of a dam, levee, tank, basin, swale, or diversion berm. The space is required as a safety margin in a pond or basin.

GRADE —

A. A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein.

B. (To) grade: To finish the surface of a roadbed, top of embankment or bottom of excavation.

GRASSED WATERWAY — A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to convey surface water.

GROUNDWATER — Water beneath the earth's surface, often between saturated soil and rock that supplies wells and springs.

GROUNDWATER RECHARGE — Replenishment of existing natural underground water supplies without degrading groundwater quality.

HEC-HMS — The U.S. Army Corps of Engineers, Hydrologic Engineering Center (HEC) – Hydrologic Modeling System (HMS). This model was used for modeling during the Act 167 Plan development and was the basis for the standards and criteria of this Part.

HIGH-QUALITY WATERS — Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code, Title 25, Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(a).

HOTSPOTS — Areas where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

HYDROGRAPH — A graph of discharge versus time for a selected point in the drainage system.

HYDROLOGIC REGIME (NATURAL) — The hydrologic cycle or balance that sustains quality and quantity of stormwater, baseflow, storage, and groundwater supplies under natural conditions.

HYDROLOGIC SOIL GROUP — A classification of soils by the Natural Resources Conservation Service, formerly the Soil Conservation Service, into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

IMPERVIOUS SURFACE — A surface that prevents the infiltration of water into the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to be gravel or crushed stone shall be assumed to be impervious surfaces.

IMPROVEMENTS AGREEMENT — An agreement made between the municipality and the developer that an approved subdivision and land development plan will be constructed according to the approved drawings and abide to specific conditions specified in the agreement.

IMPOUNDMENT — A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

INFILL — Development that occurs on smaller parcels that remain undeveloped but are within or very close proximity to urban areas. The development relies on existing infrastructure and does not require an extension of water, sewer or other public utilities.

INFILTRATION — Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolates downward to recharge groundwater.

INFILTRATION STRUCTURES — A structure designed to direct runoff into the underground water (e.g., french drains, seepage pits, seepage trench).

INLET — The upstream end of any structure through which water may flow.

INTERMITTENT STREAM — A stream that flows only part of the time. Flow generally occurs for several weeks or months in response to seasonal precipitation, due to groundwater discharge.

LAND DEVELOPMENT — Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

(1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure.

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

B. A subdivision of land.

C. Development in accordance with § 503(1.1) of the Pennsylvania Municipalities Planning Code.[6]

LIMITING ZONE — A soil horizon or condition in the soil profile or underlying strata which includes one of the following:

A. A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.

B. A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.

C. A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of water.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

MAIN STEM (MAIN CHANNEL) — Any stream segment or other runoff conveyance facility used as a reach in the hydrologic model.

MANNING EQUATION (MANNING FORMULA) — A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

MUNICIPAL ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission or his designee.

MUNICIPALITY — City of Reading, Berks County, Pennsylvania.

NATURAL CONDITION — Existing conditions.

NATURAL HYDROLOGIC REGIME — See "hydrologic regime."

NATURAL RECHARGE AREA — Undisturbed surface area or depression where stormwater collects, and a portion of which infiltrates and replenishes the underground and groundwater.

NONPOINT SOURCE POLLUTION — Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

NONSTORMWATER DISCHARGES — Water flowing in stormwater collection facilities, such as pipes or swales, which is not the result of a rainfall event or snowmelt.

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6. Editor's Note: See 53 P.S. § 10503(1.1).

NONSTRUCTURAL BEST MANAGEMENT PRACTICES (BMPs) — Methods of controlling stormwater runoff quantity and quality, such as innovative site planning, impervious area and grading reduction, protection of natural depression areas, temporary ponding on site and other techniques.

NPDES — National Pollutant Discharge Elimination System, the federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

NRCS — Natural Resource Conservation Service (previously SCS).

OUTFALL — "Point source" as described in 40 CFR 122.2 at the point where the municipality's storm sewer system discharges to surface waters of the commonwealth.

OUTLET — Points of water disposal to a stream, river, lake, tidewater or artificial drain.

PARENT TRACT — The parcel of land from which a land development or subdivision originates, determined from the date of municipal adoption of this Part.

PARKING LOT STORAGE — Involves the use of parking areas as temporary impoundments with controlled release rates during rainstorms.

PEAK DISCHARGE — The maximum rate of stormwater runoff from a specific storm event.

PENN STATE RUNOFF MODEL — The computer-based hydrologic model developed at the Pennsylvania State University.

PIPE — A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

PLANNING COMMISSION — The Planning Commission of the City of Reading.

POINT SOURCE — Any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in state regulations at 25 Pa. Code § 92a.2.[7]

POSTCONSTRUCTION — Period after construction where disturbed areas are stabilized, stormwater controls are in place and functioning and all proposed improvements in the approved land development plan are completed.

PRETREATMENT — Techniques employed in stormwater BMPs to provide storage or filtering to trap coarse materials and other pollutants before they enter the system, but not necessarily meet the water quality volume requirements of § 505-126.

PROJECT SITE — The specific area of land where any regulated earth disturbance activities in the municipality are planned, conducted or maintained.

RATIONAL FORMULA — A rainfall-runoff relation used to estimate peak flow.

RECHARGE — The replenishment of groundwater through the infiltration of rainfall, other surface waters, or land application of water or treated wastewater.

RECONSTRUCTION — Demolition of and subsequent rebuilding of impervious surface.

RECORD DRAWINGS — Original documents revised to suit the as-built conditions and subsequently provided by the design professional to the municipality. The design professional takes the contractor's as-builts, reviews them in detail with his/her own records for completeness, then either turns these over to the client or transfers the information to a set of reproducibles,

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7. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

hard copy, and electronic format in the current City standard format, in both cases for the municipality's permanent records. See also "as-built drawings."

REDEVELOPMENT — The demolition, construction, reconstruction, alteration, or improvement exceeding 2,000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional, or multifamily residential. Maintenance activities such as top-layer grinding and repaving are not considered to be redevelopment. Interior remodeling projects and tenant improvements are also not considered to be redevelopment. Utility trenches in streets are not considered redevelopment unless more than 50% of the street width is removed and repaved.

REGULATED ACTIVITIES — Actions or proposed actions that have an impact on stormwater runoff quality or quantity and that are specified in § 505-105 of this Part.

REGULATED EARTH DISTURBANCE ACTIVITY — Earth disturbance activity one acre or more with a point source discharge to surface waters or the municipality's storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part, or during any stage of, a larger common plan of development.

RELEASE RATE — The percentage of existing conditions peak rate of runoff from a site or subarea to which the proposed conditions peak rate of runoff must be reduced to protect downstream areas.

REPAVING — Replacement of the impervious surface that does not involve reconstruction of an existing paved (impervious) surface.

REPLACEMENT PAVING — Reconstruction of and full replacement of an existing paved (impervious) surface.

RETENTION BASIN — A structure in which stormwater is stored and not released during the storm event. Retention basins do not have an outlet other than recharge and must infiltrate stored water in no more than 4 days.

RETURN PERIOD — The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the twenty-five-year return period rainfall would be expected to recur on the average of once every 25 years.

RISER — A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

ROAD MAINTENANCE — Earth disturbance activities within the existing road cross section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

ROOF DRAINS — A drainage conduit or pipe that collects water runoff from a roof and leads it away from the structure.

ROOFTOP DETENTION — Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

RUNOFF — Any part of precipitation that flows over the land surface.

SALDO — Subdivision and Land Development Ordinance [Chapter 515].

SEDIMENT BASIN — A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water during construction.

SEDIMENT POLLUTION — The placement, discharge or any other introduction of sediment into the waters of the commonwealth.

SEDIMENTATION — The process by which mineral or organic matter is accumulated or deposited by the movement of water or air.

SEEPAGE PIT/SEEPAGE TRENCH — An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the underground water.

SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

SHALLOW CONCENTRATED FLOW — Stormwater runoff flowing in shallow, defined ruts prior to entering a defined channel or waterway.

SHEET FLOW — A flow process associated with broad, shallow water movement on sloping ground surfaces that is not channelized or concentrated.

SOIL-COVER COMPLEX METHOD — A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called curve number (CN).

SOURCE WATER PROTECTION AREAS (SWPA) — The zone through which contaminants, if present, are likely to migrate and reach a drinking water well or surface water intake.

SPECIAL GEOLOGIC FEATURES — Carbonate bedrock features including, but not limited to, closed depressions, existing sinkholes, fracture traces, lineaments, joints, faults, caves and pinnacles, which may exist and must be identified on a site when stormwater management BMPs are being considered.

SPECIAL PROTECTION SUBWATERSHEDS — Watersheds for which the receiving waters are exceptional value (EV) or high-quality (HQ) waters.

SPILLWAY — A conveyance that is used to pass the peak discharge of the maximum design storm controlled by the stormwater facility.

STATE WATER QUALITY REQUIREMENTS — As defined under state regulations, protection of designated and existing uses (see 25 Pa. Code, Chapters 93 and 96), including:

A. Each stream segment in Pennsylvania has a designated use, such as "cold water fishery" or "potable water supply," which are listed in Chapter 93. These uses must be protected and maintained, under state regulations.

B. "Existing uses" are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.

C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect

the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

STORAGE INDICATION METHOD — A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

STORM FREQUENCY — The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "return period."

STORM SEWER — A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

STORMWATER — The surface runoff generated by precipitation reaching the ground surface.

STORMWATER MANAGEMENT DISTRICT — Those subareas in which some type of detention is required to meet the plan requirements and the goals of Act 167.

STORMWATER MANAGEMENT FACILITY — Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality, rate or quantity. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

STORMWATER MANAGEMENT PLAN — The plan for managing those land use activities that will influence stormwater runoff quality and quantity and that would impact the Tulpehocken Creek and Schuylkill River Watersheds in the City of Reading adopted by Berks County as required by the Act of October 4, 1978, P.L. 864 (Act 167), and known as the "Tulpehocken Creek Watershed Act 167 Stormwater Management Plan" and the "Schuylkill River Watershed Act 167 Stormwater Management Plan."

STORMWATER MANAGEMENT SITE PLAN — The plan prepared by the applicant or developer or his representative indicating how stormwater runoff will be managed at the particular site of interest according to this Part.

STREAM — A natural watercourse.

STREAM BUFFER — The land area adjacent to each side of a stream, essential to maintaining water quality. See "buffer."

STREAM ENCLOSURE — A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this commonwealth.

SUBAREA (SUBWATERSHED) — The smallest drainage unit of a watershed for which stormwater management criteria have been established in the stormwater management plan.

SUBDIVISION — The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SURFACE WATERS OF THE COMMONWEALTH — Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface, or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

SWALE — A low-lying stretch of land which gathers or carries surface water runoff.

TIMBER OPERATIONS — See "forest management."

TIME-OF-CONCENTRATION (TC) — The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

TOP-OF-BANK — Highest point of elevation in a stream channel cross section at which a rising water level just begins to flow out of the channel and over the floodplain.

VERNAL POND — Seasonal depressional wetlands that are covered by shallow water for variable periods from winter to spring, but may be completely dry for most of the summer and fall.

WATERCOURSE — A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERS OF THE COMMONWEALTH — Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

WATERSHED — Region or area drained by a river, watercourse or other body of water, whether natural or artificial.

WELLHEAD —

A. A structure built over a well.

B. The source of water for a well.

WELLHEAD PROTECTION AREA — The surface and subsurface area surrounding a water supply well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source.

WET BASIN — Pond for urban runoff management that is designed to detain urban runoff and always contains water.

WETLAND — Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.

C
Stormwater Management

§ 505-121. General requirements.

A. Applicants proposing regulated activities in the City of Reading which do not fall under the exemption criteria shown in § 505-142 shall submit a drainage plan consistent with the applicable (Schuylkill River or Tulpehocken Creek) stormwater management plan to the municipality for review. These criteria shall apply to the total proposed development even if development is to take place in stages.

B. The applicant is required to evaluate practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces and the degradation of waters of the commonwealth, and must maintain as much as possible the natural hydrologic regime.

C. The drainage plan must be designed consistent with the sequencing provisions of § 505-124 to ensure maintenance of the natural hydrologic regime and to promote groundwater recharge where appropriate and to protect groundwater and surface water quality and quantity. The drainage plan designer must proceed sequentially in accordance with Subpart C of this Part.

D. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Part.

E. Existing points of concentrated drainage that discharge onto adjacent property shall not be altered in any manner which could cause property damage without permission of the affected property owner(s) and shall be subject to any applicable discharge criteria specified in this Part.

F. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this Part. If diffused drainage discharge is proposed to be concentrated and discharged onto adjacent property, the applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other impacts will result from the concentrated discharge.

G. Where a development site is traversed by existing watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall conform to the stream buffer requirements contained in § 505-126B(6) of this Part.

H. Any stormwater management facilities regulated by this Part that would be located in or adjacent to waters of the commonwealth or wetlands shall be subject to approval by PaDEP through the joint permit application process, or, where deemed appropriate by PaDEP, the general permit process. When there is a question whether wetlands may be involved, it is the responsibility of the applicant or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from PaDEP.

I. Any stormwater management facilities regulated by this Part that would be located on state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

J. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., are encouraged, where soil conditions permit, to reduce the size or eliminate the need for detention facilities or other structural BMPs.

K. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then it shall be permitted on a case-by-case basis by the municipality.

L. All stormwater runoff shall be pretreated for water quality prior to discharge to surface or groundwater.

M. All regulated earth disturbance activities within the municipality shall be designed, implemented, operated and maintained to meet the purposes of this Part, through these two elements:

(1) Erosion and sediment control during the earth disturbance activities (e.g., during construction).

(2) Water quality protection measures after completion of earth disturbance activities (i.e., after construction), including operations and maintenance.

N. No regulated earth disturbance activities within the municipality shall commence until the requirements of this Part are met.

O. Postconstruction water quality protection shall be addressed as required by § 505-126.

P. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Subpart G.

Q. All best management practices (BMPs) used to meet the requirements of this Part shall conform to the state water quality requirements, and any more stringent requirements as determined by the municipality.

R. Techniques described in Appendix E of this Part (Low-Impact Development)[8] are encouraged, because they reduce the costs of complying with the requirements of this Part and the state water quality requirements.

S. In selecting the appropriate BMPs or combinations thereof, the applicant shall consider the following:

(1) Total contributing area.

(2) Permeability and infiltration rate of the site soils.

(3) Slope and depth to bedrock.

(4) Seasonal high water table.

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8. Editor's Note: Appendix E is included at the end of this chapter.

(5) Proximity to building foundations and wellheads.

(6) Erodibility of soils.

(7) Land availability and configuration of the topography.

(8) Peak discharge and required volume control.

(9) Stream bank erosion.

(10) Efficiency of the BMPs to mitigate potential water quality problems.

(11) The volume of runoff that will be effectively treated.

(12) The nature of the pollutant(s) being removed.

(13) Maintenance requirements.

(14) Creation/protection of aquatic and wildlife habitat.

(15) Recreational value.

T. Transference of runoff from one DEP designated Act 167 watershed to another shall be prohibited.

§ 505-122. Permit requirements by other government entities.

The following permit requirements may apply to certain regulated earth disturbance activities, and must be met prior to commencement of regulated earth disturbance activities, as applicable:

A. All regulated earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code, Chapter 102.

B. Work within natural drainageways subject to permit by DEP under 25 Pa. Code, Chapter 105.

C. Any stormwater management facility that would be located in or adjacent to surface waters of the commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code, Chapter 105.

D. Any stormwater management facility that would be located on a state highway right-of-way, or require access from a state highway, shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code, Chapter 105.

§ 505-123. Erosion and sediment control during regulated earth disturbance activities.

A. No regulated earth disturbance activities within the municipality shall commence until the municipality receives or the municipality receives notice of an approval from the Conservation District of an erosion and sediment control plan for construction activities.

B. DEP has regulations that require an erosion and sediment control plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).

C. In addition, under 25 Pa. Code, Chapter 92a, a DEP "NPDES construction activities" permit is required for regulated earth disturbance activities.[9]

D. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the municipality. The issuance of an NPDES construction permit (or permit coverage under the statewide general permit (PAG-2) satisfies the requirements Subsection A.

E. A copy of the erosion and sediment control plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

F. Additional erosion and sediment control design standards and criteria are recommended to be applied where infiltration BMPs are proposed shall include the following:

(1) Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity.

(2) Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has achieved final stabilization.

§ 505-124. Nonstructural project design (sequencing to minimize stormwater impacts).

A. The design of all regulated activities shall include the following steps in sequence to minimize stormwater impacts:

(1) The applicant is required to evaluate practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces and the degradation of waters of the commonwealth, and must maintain as much as possible the natural hydrologic regime of the site.

(2) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes, and other municipal requirements.

(3) All practicable alternatives to the discharge of stormwater are presumed to have less adverse impact on quantity and quality of waters of the commonwealth unless otherwise demonstrated.

B. The applicant shall demonstrate that they designed the regulated activities in the following sequence to minimize the increases in stormwater runoff and impacts to water quality:

(1) Prepare an existing resource and site analysis map (ERSAM), showing environmentally sensitive areas including, but not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, vernal pools, floodplains, stream buffer zones, hydrologic soil groups A and B (areas conducive to infiltration), special geologic features, any existing recharge areas and any other requirements outlined in Chapter 515, Subdivision and Land Development.

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9. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(2) Establish appropriate buffers for each of the delineated environmentally sensitive areas per Chapter 600, Zoning. (See § 505-126B(6) for stream buffers and § 505-130K for special geologic feature buffers.)

(3) Prepare a draft project layout avoiding sensitive areas identified in Subsection B(1).

(4) Identify site specific existing conditions drainage areas, discharge points, recharge areas and hydrologic soil groups A and B.

(5) Evaluate nonstructural stormwater management alternatives.

(a) Minimize earth disturbance.

(b) Minimize impervious surfaces.

(c) Break up large impervious surfaces.

(6) Satisfy infiltration objective (§ 505-125) and provide for stormwater pretreatment prior to infiltration. Pretreatment may not be necessary for rooftop runoff which enters the infiltration facility directly from a roof leader.

(7) Satisfy water quality (§ 505-126) and stream bank erosion protection objective (§ 505-127).

(8) Determine what management district the site falls into (Appendix D) and conduct an existing conditions runoff analysis.

(9) Prepare final project design to maintain existing conditions drainage areas and discharge points, to minimize earth disturbance and impervious surfaces, and to the maximum extent possible, to ensure the remaining site development has no surface or point discharge.

(10) Conduct a proposed conditions runoff analysis based on the final design and to meet the release rate and in turn the overbank flow and extreme event requirements (§ 505-128).

(11) Manage any remaining runoff through treatment prior to discharge, as part of detention, bioretention, direct discharge or other structural control.

§ 505-125. Groundwater recharge (infiltration; recharge; bioretention).

A. The requirements for groundwater recharge differ for the Schuylkill River watershed and the Tulpehocken Creek watershed. The applicant shall apply the appropriate regulations based on the location of a proposed site within the Schuylkill River or Tulpehocken Creek watersheds.

B. Groundwater recharge for the Schuylkill River watershed.

(1) Maximizing the groundwater recharge capacity of the area being developed is required. Design of the infiltration stormwater management facilities shall give consideration to providing groundwater recharge to compensate for the reduction in the percolation that occurs when the ground surface is disturbed or impervious surface is created. It is recommended that roof runoff be directed to infiltration BMPs, which can be over-designed to compensate for the infiltration losses due to parking

areas. It is recommended that roof runoff be directed to infiltration BMPs which may be designed to compensate for the runoff from parking areas. These measures are required to be consistent with § 505-103 and take advantage of utilizing any existing recharge areas.

(2) Infiltration may not be feasible on every site due to site-specific limitations such as soil type. If it cannot be physically accomplished, due to seasonal high water table, soil permeability rate, soil depth or setback distances from special geologic features, then the design professional shall be responsible to show that this cannot be physically accomplished. If it can be physically accomplished, then the volume of runoff to be infiltrated shall be determined from Subsection B(3)(c) depending on demonstrated site conditions and shall be the greater of the two volumes.

(3) Infiltration BMPs within the Schuylkill River Watershed shall meet the following minimum requirements:

(a) Infiltration requirements.

[1] Regulated activities will be required to infiltrate, where site conditions permit, a portion of the runoff created by the development as part of an overall stormwater management plan designed for the site. The volume of runoff to be infiltrated shall be determined from Subsection B(3)(c)[1] or [2], depending upon demonstrated site conditions.

(b) Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

[1] A minimum depth of 36 inches between the bottom of the BMP and the limiting zone.

[2] An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the applicant's design professional.

[3] The infiltration facility shall be capable of completely infiltrating the required retention (infiltration) volume within four days (96 hours).

[4] Pretreatment shall be provided prior to infiltration.

(c) The size of the infiltration facility within the Schuylkill River watershed shall be based upon the following volume criteria:

[1] NRCS curve number equation.

[a] The NRCS runoff equation shall be utilized to calculate infiltration requirements (I) in inches.

$$\text{I (Infiltration requirement, in inches)} = \left(\frac{200}{\text{CN}}\right) - 2 \qquad Eqn: 26 - 125.1$$

Where:

CN = SCS (NRCS) curve number of existing conditions contributing to the infiltration facility

[b] This equation is displayed graphically in, and the infiltration requirement can be determined from Figure 505-125.1.

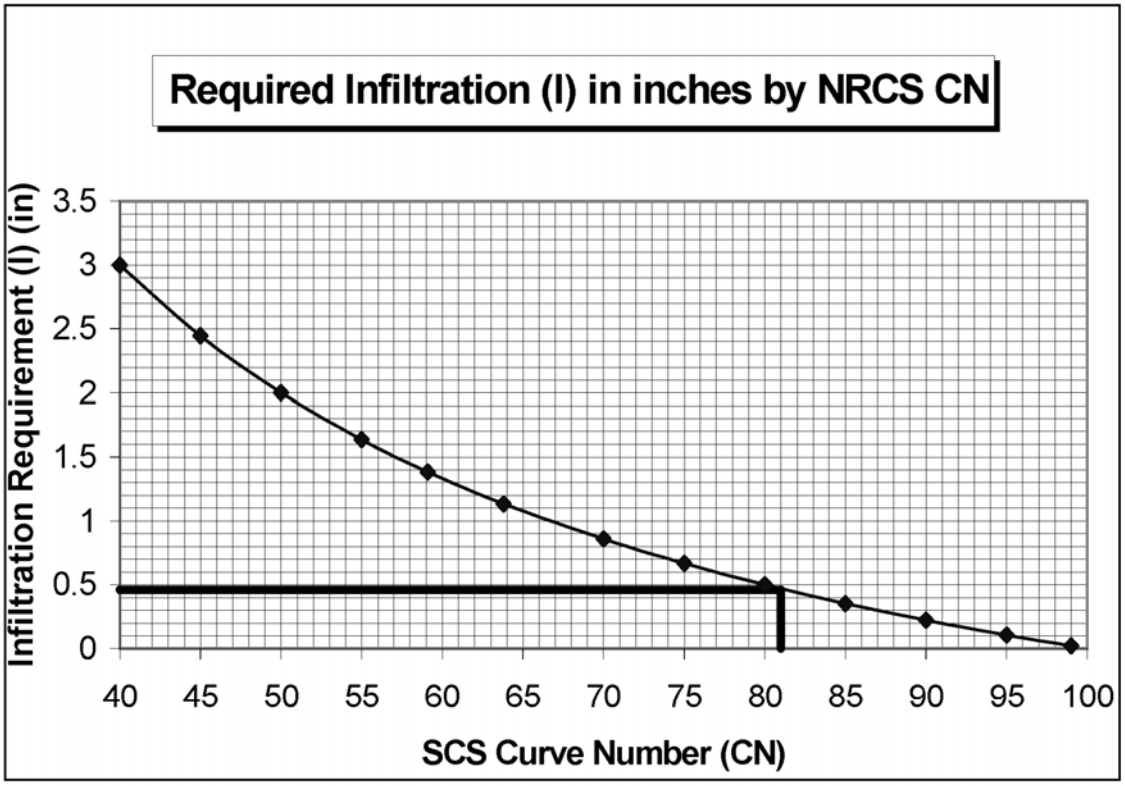

Figure 505-125.1 Infiltration requirement based upon NRCS Curve Number.

The retention (infiltration) volume (Rev) required to meet the infiltration requirement would therefore be computed as:

Rev = I * impervious area (square feet)/(12 in/ft) = Cubic Feet Eqn: 505-125.2

Where:

I = infiltration requirements (in inches)

[2] Annual recharge — water budget approach.

[a] It has been determined that infiltrating 0.46 inch of runoff from the impervious areas will aid in maintaining the hydrologic regime of the Schuylkill River Watershed. If the goals of § 505-125B(3)(c)[1] cannot be achieved, then 0.46 inch of rainfall shall be infiltrated from all impervious areas, up to an existing site conditions curve number of 81. Above a curve number of 81, Equation 505-125.1

or the curve in Figure 505-125.1 should be used to determine the infiltration requirement.

[b] The retention (infiltration) volume (Rev) required again would therefore be computed as:

Rev = I * impervious area (square feet)/(12 in/ft) = Cubic Feet Eqn: 505-125.2

C. Groundwater recharge for the Tulpehocken Creek Watershed.

(1) The ability to retain and maximize the groundwater recharge capacity of the area being developed is encouraged. Design of the infiltration/recharge stormwater management facilities shall give consideration to providing groundwater recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over.

(2) These measures are encouraged, particularly in hydrologic soil groups A and B and should be utilized wherever feasible. Soils used for the construction of basins shall have low-erodibility factors ("K" factors).

(3) Infiltration BMPs shall meet the following minimum requirements:

(a) Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

[1] A minimum depth of 48 inches between the bottom of the facility and the seasonal high water table and/or bedrock (limiting zones).

[2] An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the owner's professional designer.

(b) Infiltration BMPs receiving only roof runoff may be placed in soils having a minimum depth of 24 inches between the bottom of the facility and the limiting zone.

(c) The size of the recharge facility within the Tulpehocken Creek Watershed shall be based upon the following equation:

Rev = [(S)(Rv)(A)]/12 Eqn: 505-125.4

Where:

Rev = Recharge volume (acre-feet)

S = Soil-specific recharge factor (inches)

Rv = Volumetric runoff coefficient

A = Site area contributing to the recharge facility (acres)

And:

Rv = 0.05 + 0.009 (I)

Where:

I = Percent impervious area

And:

S shall be obtained based upon hydrologic soil group based upon the table below:

Hydrologic Soil Group	Soil Specific Recharge Factor (S)
A	0.38 inch
B	0.25 inch
C	0.13 inch
D	0.06 inch

If more than one hydrologic soil group (HSG) is present at a site, a composite recharge volume shall be computed based upon the proportion of total site area within each HSG.

(d) The recharge volume provided at the site shall be directed to the most permeable HSG available.

(e) The recharge facility shall be capable of completely infiltrating the impounded water within 48 hours.

(f) The recharge facility shall be capable of completely infiltrating the impounded water within 48 hours.

D. Groundwater recharge for the Schuylkill River and Tulpehocken Creek Watersheds.

(1) Soils. A detailed soils evaluation of the project site shall be required where practicable to determine the suitability of infiltration facilities. The evaluation shall be performed by a qualified design professional, and at a minimum, address soil permeability, depth to bedrock and subgrade stability. The general process for designing the infiltration BMP shall be:

(a) Analyze hydrologic soil groups as well as natural and man-made features within the site to determine general areas of suitability for infiltration practices. In areas where development on fill material is under consideration, conduct geotechnical investigations of subgrade stability; infiltration is not permitted to be ruled out without conducting these tests.

(b) Provide field tests such as double ring infiltrometer or hydraulic conductivity tests (at the level of the proposed infiltration surface) to determine the appropriate hydraulic conductivity rate. Percolation tests are not recommended for design purposes.

(c) Design the infiltration structure for the required retention (Rev) volume based on field determined capacity at the level of the proposed infiltration surface.

(d) If on-lot infiltration structures are proposed by the applicant's design professional, it must be demonstrated to the municipality that the soils are conducive to infiltrate on the lots identified.

(2) Carbonate areas.

(a) The applicant is required to investigate the ability of all areas on the site which are not underlain by carbonate rock to meet the infiltration requirements of Subsection B(3) or C(3), as applicable. If this investigation proves infeasible, infiltration can occur on areas underlain by carbonate rock by following the recommended procedure below in conjunction with Figure B-2 in Appendix B.[10] However, the applicant is not required to use infiltration in carbonate areas even if the site falls into the "Recommended" range on Figure B-2 in Appendix B. If infiltration is not proposed, the calculated infiltration volume [Subsection B(3) or Subsection C(3)] shall be treated by an acceptable BMP by a facility which prevents the required volume of runoff from being discharged off-site. Acceptable methods for treating this volume are storage and reuse, bioretention, wet ponds, and soil composting. Other methods may be acceptable and all methods should generally follow the design guidelines outlined in the Pennsylvania Stormwater Best Management Practice Manual, latest edition.

(b) Infiltration BMP loading rate percentages in Figure B-2 in Appendix B shall be calculated as follows:

$$\left(\frac{\text{Area tributary to the infiltration BMP}}{\text{Base Area of the infiltation BMP}}\right) * 100\%$$

(c) The area tributary to the infiltration BMP shall be weighted as follows:

Area Description	Weighting
All disturbed area to be made impervious	100%
All disturbed areas to be made pervious	50%
All undisturbed impervious areas	100%
All undisturbed pervious areas	0%

(d) Soil thickness is to be measured from the bottom of any proposed infiltration BMP. The effective soil thickness in Figure B-4 in Appendix B is the measured soil thickness multiplied by the thickness factor based on soil permeability, as follows:

Permeability Range	Thickness Factor
6.0 to 12.0 inches/hour	0.8
2.0 to 6.0 inches/hour	1.0
1.0 to 2.0 inches/hour	1.4
0.75 to 1.0 inch/hour	1.2
0.5 to 0.75 inch/hour	1.0

(e) Whenever a basin will be located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine

10. Editor's Note: Appendix B is included at the end of this chapter.

susceptibility to sinkhole formations. The design of all facilities over limestone formations shall include measures to prevent groundwater contamination and, where necessary, sinkhole formation.

(f) It shall be the developer's responsibility to verify if the site is underlain by limestone. The following note shall be attached to all drainage plans and signed and sealed by the developer's engineer/surveyor/landscape/architect/geologist:

_____, certify that the proposed detention basin (circle one) is/is not underlain by limestone.

(3) Stormwater hotspots:

(a) Following is a list of examples of designated hotspots. If a site is designated as a hotspot, it has important implications for how stormwater is managed. First and foremost, untreated stormwater runoff from hotspots shall not be allowed to recharge into groundwater where it may contaminate water supplies. Therefore, the Rev requirement shall not be applied to development sites that fit into the hotspot category (the entire WQv must still be treated). Second, a greater level of stormwater treatment shall be considered at hotspot sites to prevent pollutant washoff after construction. EPA's NPDES stormwater program requires some industrial sites to prepare and implement a stormwater pollution prevention plan.

(b) Examples of hotspots:

[1] Vehicle salvage yards and recycling facilities.

[2] Vehicle fueling stations.

[3] Vehicle service and maintenance facilities.

[4] Vehicle and equipment cleaning facilities.

[5] Fleet storage areas (bus, truck, etc.).

[6] Industrial sites (based on Standard Industrial Codes).

[7] Marinas (service and maintenance).

[8] Outdoor liquid container storage.

[9] Outdoor loading/unloading facilities.

[10] Public works storage areas.

[11] Facilities that generate or store hazardous materials.

[12] Commercial container nursery.

[13] Other land uses and activities as designated by an appropriate review authority.

(c) The following land uses and activities are not normally considered hotspots:

[1] Residential streets and rural highways.

[2] Residential development.

[3] Institutional development.

[4] Office developments.

[5] Nonindustrial rooftops.

[6] Pervious areas, except golf courses and nurseries [which may need an integrated pest management (IPM) plan].

(d) While large highways [average daily traffic volume (ADT) greater than 30,000] are not designated as a stormwater hotspot; however, it is important to ensure that highway stormwater management plans adequately protect groundwater.

(4) Extreme caution shall be exercised where infiltration is proposed in source water protection areas as defined by the local municipality or water authority.

(5) Infiltration facilities shall be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management alternatives.

(6) Extreme caution shall be exercised where salt or chloride (municipal salt storage) would be a pollutant, since soils do little to filter this pollutant and it may contaminate the groundwater. The qualified design professional shall evaluate the possibility of groundwater contamination from the proposed infiltration facility and perform a hydrogeologic justification study if necessary.

(7) The infiltration requirement in high-quality or exceptional value waters shall be subject to the Department's Chapter 93 antidegradation regulations.

(8) An impermeable liner will be required in detention basins where the possibility of groundwater contamination exists. A detailed hydrogeologic investigation may be required by the municipality.

(9) The municipality shall require the applicant to provide safeguards against groundwater contamination for land uses that may cause groundwater contamination should there be a mishap or spill.

(10) Unless otherwise specified in Chapter 600, Zoning, the following setbacks for infiltration facilities shall apply:

(a) One hundred feet from water supply wells.

(b) Ten feet downslope or 100 feet upslope from building foundations.

(c) Fifty feet from septic system drainfields.

(d) Fifty feet from a geologic contact with carbonate bedrock, unless a preliminary site investigation is done in the carbonate bedrock to show the absence of special geologic features within 50 feet of the proposed infiltration area.

(e) One hundred feet from the property line unless documentation is provided to show all setbacks from wells, foundations and drainfields on the neighboring property will be met.

(11) Where pervious pavement is permitted for parking lots, recreational facilities, nondedicated streets, or other areas, pavement construction specifications shall be noted on the plan.

§ 505-126. Water quality requirements.

A. The applicant shall comply with the following water quality requirements of this section.

B. No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of a plan which demonstrates compliance with state water quality requirements postconstruction is complete.

(1) The BMPs shall be designed, implemented and maintained to meet state water quality requirements, and any other more stringent requirements as determined by the municipality.

(2) To control postconstruction stormwater impacts from regulated earth disturbance activities, state water quality requirements can be met by BMPs, including site design, which provide for replication of preconstruction stormwater infiltration and runoff conditions, so that postconstruction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:

(a) Infiltration: replication of preconstruction stormwater infiltration conditions.

(b) Treatment: use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff.

(c) Stream bank and streambed protection: management of volume and rate of postconstruction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).

(3) Developed areas shall provide adequate storage and treatment facilities necessary to capture and treat stormwater runoff. The infiltration volume computed under § 505-125 may be a component of the water quality volume if the applicant chooses to manage both components in a single facility. If the infiltration volume is less than the water quality volume, the remaining water quality volume may be captured and treated by methods other than infiltration BMPs. The required water quality volume (WQv) is the storage capacity needed to capture and treat a portion of stormwater runoff from the developed areas of the site. To achieve this goal, the following criterion is established:

(a) The following calculation formula is to be used to determine the water quality storage volume, (WQv), in acre-feet of storage for the watershed:

$$WQv = [(P)(Rv)(A)]/12 \qquad \text{Eqn: 505-126.1}$$

Where:

WQv	=	Water quality volume (acre-feet)
P	=	1 inch
A	=	Total contributing drainage area to the water quality BMP (acres)
Rv	=	0.05 + 0.009(I), where I is the percent of the area that is impervious surface [(impervious area/A)*100]

(b) This volume requirement can be accomplished by the permanent volume of a wet basin or the detained volume from other BMPs.

(c) Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall provide for protection from clogging and unwanted sedimentation.

(4) For areas within defined special protection subwatersheds which include exceptional value (EV) and high-quality (HQ) waters, the temperature and quality of water and streams shall be maintained through the use of temperature-sensitive BMPs and stormwater conveyance systems.

(5) To accomplish the above, the applicant shall submit original and innovative designs to the Municipal Engineer for review and approval. Such designs may achieve the water quality objectives through a combination of BMPs (best management practices).

(6) If a perennial or intermittent stream passes through the site, the applicant shall create a stream buffer extending a minimum of 50 feet to either side of the top-of-bank of the channel. The buffer area shall be maintained with and encouraged to use appropriate native vegetation (refer to Appendix H of Pennsylvania Handbook of Best Management Practices for Developing Area for plant lists). If the applicable rear or side yard setback is less than 50 feet, the buffer width may be reduced to 25% of the setback, to a minimum of 10 feet. If an existing buffer is legally prescribed (i.e., deed, covenant, easement, etc.) and it exceeds the requirements of this Part, the existing buffer shall be maintained. (The municipality may select a smaller or larger buffer width if desired, but the selected buffer may not be less than 10 feet). This does not include lakes or wetlands.

(7) Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office must be provided to the municipality. The issuance of an NPDES construction permit [or permit coverage under the statewide general permit (PAG-2) satisfies the requirements of Subsection B(1)].

§ 505-127. Stream bank erosion requirements.

A. In addition to control of the water quality volume, in order to minimize the impact of stormwater runoff on downstream stream bank erosion, the primary requirement is to design a BMP to detain the proposed conditions two-year, twenty-four-hour design storm to the existing conditions one-year flow using the SCS Type II distribution. Additionally, provisions shall be made (such as adding a small orifice at the bottom of the outlet structure) so that the proposed conditions one-year storm takes a minimum of 24 hours to drain from the facility from a point where the maximum volume of water from the one-year storm is captured (i.e., the maximum water surface elevation is achieved in the facility).

Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility).

B. The minimum orifice size in the outlet structure to the BMP shall be a three-inch diameter orifice and a trash rack shall be installed to prevent clogging. On sites with small contributing drainage areas to this BMP that do not provide enough runoff volume to allow a twenty-four-hour attenuation with the three-inch orifice, the calculations shall be submitted showing this condition. Orifice sizes less than three inches can be utilized provided that the design will prevent clogging of the intake.

C. In "no detention" areas (District C) only (see § 505-128), the objective is not to attenuate the storms greater than the two-year recurrence interval. This can be accomplished by configuring the outlet structure not to control the larger storms, or by a bypass channel that diverts only the two-year stormwater runoff into the basin, or conversely, diverts flows in excess of the two-year storm away from the basin.

§ 505-128. Stormwater management districts.

A. The City of Reading is comprised of two watersheds: Tulpehocken Creek and Schuylkill River. Additionally, each of these watersheds has been divided into stormwater management districts as shown on the Management District Map in Appendix D.[11]

(1) In addition to the requirements specified in Table 505-128.1 below, the groundwater recharge (§505-125), water quality (§ 505-126), and stream bank erosion control (§ 505-127), requirements shall be implemented.

(2) Standards for managing runoff from each subarea in the Schuylkill River Watershed for the two-year through one-hundred-year design storms are shown in Tables 505-128.1 and 505-128.2. Development sites located in each of the districts must control proposed conditions runoff rates to existing conditions runoff rates for the design storms in accord with Tables 505-128.1 and 505-128.2.

Table 505-128.1

Water Quantity Requirements for Areas in the Schuylkill River Watershed

Management District	Proposed Condition Design Storm		Existing Condition Design Storm	Equivalent Release Rate
A	2-year	Reduce to	1-year	—
	5-year		5-year	100%
	10-year		10-year	100%
	25-year		25-year	100%
	50-year		50-year	100%
	100-year		100-year	100%
B	2-year	Reduce to	1-year	—
	5-year		2-year	30%

11. Editor's Note: Appendix D is included at the end of this chapter.

Table 505-128.1

Water Quantity Requirements for Areas in the Schuylkill River Watershed

Management District	Proposed Condition Design Storm		Existing Condition Design Storm	Equivalent Release Rate
	10-year		5-year	75%
	25-year		10-year	75%
	50-year		25-year	75%
	100-year		50-year	75%
C	2-year	Reduce to	2-year	—
	5-year		5-year	100%
	10-year		10-year	100%
	25-year		25-year	100%
	50-year		50-year	100%
	100-year		100-year	100%

Table 505-128.2

Water Quantity Requirements for Areas in the Tulpehocken Creek Watershed

Management District	Design Storm Post-Development		Design Storm Pre-Development
A	2-year	Reduce to	1-year
	5-year		5-year
	10-year		10-year
	25-year		25-year
B1	2-year	Reduce to	1-year
	5-year		2-year
	10-year		5-year
	25-year		10-year
B2	2-year	Reduce to	1-year
	5-year		2-year
	10-year		5-year
	25-year		10-year
	100-year		100-year
C	2-year	Reduce to	1-year
	5-year		2-year

(3) For any site which proposes direct discharge, the site may only utilize any available capacity in the downstream conveyance system which is equivalent to the ratio of the proposed development site acreage to the total watershed acreage to the downstream

conveyance system. Therefore, if the proposed development site is 10% of the total watershed area, the increase in runoff may only use up 10% of the documented available downstream, capacity at peak flow.

(4) All areas which propose direct discharge to the main stem or to an existing stormwater drainage system must still meet the requirements of the groundwater recharge criteria (§ 505-125), water quality criteria (§ 505-126), and stream bank erosion criteria (§ 505-127).

B. General. Proposed condition rates of runoff from any regulated activity shall not exceed the peak release rates of runoff prior to development for the design storms specified on the Stormwater Management District Watershed Map (Appendix D) and § 505-128, of this Part.

C. District boundaries. The boundaries of the stormwater management districts are shown on an Official Map that is available for inspection at the municipal office. A copy of the Official Map at a reduced scale is included in the Appendix D. The exact location of the stormwater management district boundaries as they apply to a given development site shall be determined by mapping the boundaries using the two-foot topographic contours (or most accurate data required) provided as part of the drainage plan.

D. Sites located in more than one district. For a proposed development site located within two or more stormwater management district category subareas, the peak discharge rate from any subarea shall meet the management district criteria for which the discharge is located, as indicated in § 505-128. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea. An exception to the above may be granted if discharges from multiple subareas recombine in proximity to the discharge site. In this case, peak discharge in any direction shall follow Management District A criteria, provided that the overall site discharge meets the management district criteria for which the discharge is located.

E. Off-site areas. Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.

F. Site areas. Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area utilizing stormwater management measures shall be subject to the management district criteria. In other words, unimpacted areas bypassing the stormwater management facilities would not be subject to the management district criteria.

G. "No harm" option. For any proposed development site not located in a provisional direct discharge district, the applicant has the option of using a less-restrictive runoff control (including no detention) if the applicant can prove that "no harm" would be caused by discharging at a higher runoff rate than that specified by the stormwater management plan. The "no harm" option is used when an applicant can prove that the proposed condition hydrographs can match existing conditions hydrographs, or if it can be proved that the proposed conditions will not cause increases in peaks at all points downstream. Proof of "no harm" must be shown based upon the following downstream impact evaluation, which shall include a downstream hydraulic capacity analysis consistent with Subsection H to determine if adequate hydraulic capacity exists. The applicant shall submit to the

municipality this evaluation of the impacts due to increased downstream stormwater flows in the watershed.

(1) The hydrologic regime of the site must be maintained.

(2) The downstream impact evaluation shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications due to the proposed development upon a dam, highway, structure, natural point of restricted streamflow or any stream channel section, established with the concurrence of the municipality.

(3) The evaluation shall continue downstream until the increase in flow diminishes due to additional flow from tributaries and/or stream attenuation.

(4) The peak flow values to be used for downstream areas for the design return period storms (two-, five-, ten-, twenty-five-, fifty-, and one-hundred-year) shall be the values from the calibrated model for the applicable (Schuylkill River or Tulpehocken Creek) watershed. These flow values can be obtained from the original Act 167 watershed stormwater management plans.

(5) Applicant-proposed runoff controls which would generate increased peak flow rates at storm drainage problem areas would, by definition, be precluded from successful attempts to prove "no harm," except in conjunction with proposed capacity improvements for the problem areas consistent with § 505-128H.

(6) A financial distress shall not constitute grounds for the municipality to approve the use of the no-harm option.

(7) Capacity improvements may be provided as necessary to implement the no-harm option, which proposes specific capacity improvements to provide that a less stringent discharge control would not create any harm downstream.

(8) Any no-harm justifications shall be submitted by the applicant as part of the drainage plan submission per Subpart D.

H. Downstream hydraulic capacity analysis. Any downstream capacity hydraulic analysis conducted in accordance with this Part shall use the following criteria for determining adequacy for accepting increased peak flow rates:

(1) Natural or man-made channels or swales must be able to convey the increased runoff associated with a two-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the DEP Erosion and Sediment Pollution Control Program Manual.

(2) Natural or man-made channels or swales must be able to convey the increased twenty-five-year return period runoff without creating any hazard to persons or property.

(3) Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP Chapter 105 regulations (if applicable) and, at minimum, pass the increased twenty-five-year return period runoff.

I. Regional detention alternatives. For certain areas within the study area, it may be more cost-effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of the prospective applicants. The design of any regional control basins must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined on a case-by-case basis using the hydrologic model of the watershed consistent with protection of the downstream watershed areas. "Hydrologic model" refers to the calibrated model as developed for the stormwater management plan.

J. Hardship option. The municipality may hear requests for waivers where it is alleged that the provisions of this (Act 167) Part inflict unnecessary hardship upon the applicant. The waiver request shall be in writing and accompanied by the requisite fee based upon a fee schedule adopted by the municipality. A copy of the waiver request shall be provided to each of the following: municipality, Municipal Engineer, Municipal Solicitor and Berks County Planning Commission. The request shall fully document the nature of the alleged hardship. The municipality may grant a waiver, provided that all of the following findings are made in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Part in the stormwater management district in which the property is located.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Part, including the no-harm provisions, and that the authorization of a waiver is therefore necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the applicant.

(4) That the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least modification possible of the regulation in issue.

(5) That financial hardship is not the criteria for granting of a hardship waiver. In granting any waiver, the municipality may attach such conditions and safeguards as it may deem necessary to implement the purposes of Act 167 and this Part. If a hardship waiver is granted, the applicant must still manage the quantity, velocity, direction and quality of resulting storm runoff as is necessary to prevent injury to health, safety or other property.

(a) For regulated activities in § 505-105D(1) and (2), the Planning Commission shall hear requests for and decide on hardship waiver requests on behalf of the municipality.

(b) For regulated activities in § 505-105D(4), (5), (6), (7) and (8), the Municipal Engineer shall hear requests for and decide on hardship waiver requests on behalf of the municipality.

(c) The municipality shall not waive the water quality provisions of this Part.

§ 505-129. Calculation methodology.

A. Stormwater runoff from all development sites with a drainage area of greater than 200 acres shall be calculated using a generally accepted calculation technique that is based on the NRCS Soil Cover Complex Method. Table 505-129.1 summarizes acceptable computation methods and the method selected by the design professional shall be based on the individual limitations and suitability of each method for a particular site. The municipality may allow the use of the Rational Method to estimate peak discharges from drainage areas that contain less than 200 acres. The Soil Complex Method shall be used for drainage areas greater than 200 acres.

Table 505-129.1

Acceptable Computation Methodologies for Stormwater Management Plans

Method	Method Developed by	Applicability
TR-20 (or commercial computer package based on TR-20)	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary.
TR-55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans within limitations described in TR-55.
HEC-1/HEC-HMS	U.S. Army Corps of Engineers	Applicable where use of full hydrologic computer model is desirable or necessary.
PSRM	Penn State University	Applicable where use of a hydrologic computer model is desirable or necessary; simpler than TR-20 or HEC-1.
Rational method (or commercial computer package based on Rational Method)	Emil Kuichling (1889)	For sites less than 200 acres and with time of concentration less than 60 minutes (Tc < 60 min.), or as approved by the municipality and/or Municipal Engineer.
Other methods	Varies	Other computation methodologies approved by the municipality and/or Municipal Engineer.

B. All calculations consistent with this Part using the Soil Cover Complex Method shall use the appropriate design rainfall depths for the various return period storms according to the region in which they are located as presented in Table B-1 in Appendix B of this Part.[12] If a hydrologic computer model such as PSRM or HEC-1/HEC-HMS is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The SCS "S" curve shown in Figure B-1, Appendix B of this Part shall be used for the rainfall distribution.

C. For the purposes of existing conditions flow rate determination, undeveloped land shall be considered as "meadow" in good condition, unless the natural ground cover generates a

12. **Editor's Note: Appendix B is included at the end of this chapter.**

lower curve number or Rational "C" value (i.e., forest), as listed in Table B-2 or Table B-3 in Appendix B of this Part.[13]

D. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times-of-concentration for overland flow and return periods from the design storm curves from Pennsylvania Department of Transportation Design Rainfall Curves (1986) (Figures B-2 to B-4). Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times of concentration for channel and pipe flow shall be computed using Manning's equation.

E. Runoff curve numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex Method shall be obtained from Table B-2 in Appendix B of this Part.[14]

F. Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table B-3 in Appendix B of this Part.

G. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table B-4 in Appendix B of this Part.

H. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Part using any generally accepted hydraulic analysis technique or method.

I. The design of any stormwater detention facilities intended to meet the performance standards of this Part shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. For drainage areas greater than 200 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph (i.e., TR-20, TR-55, HEC-1, PSRM). The municipality may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.

§ 505-130. Other requirements.

A. Any stormwater facility located on state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

B. Pretreatment shall be provided prior to infiltration.

C. All wet basin designs shall incorporate biologic controls consistent with the West Nile Guidance found in Appendix F.[15]

D. Any stormwater management facility (i.e., detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Part shall be designed to provide an emergency spillway to handle flow up to and including the one-

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13. Editor's Note: Appendix B is included at the end of this chapter.

14. Editor's Note: Appendix B is included at the end of this chapter.

15. Editor's Note: Appendix F is included at the end of this chapter.

hundred-year proposed conditions. The height of embankment must provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facility functions for the one-hundred-year proposed conditions inflow. Should any stormwater management facility require a dam safety permit under PaDEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than the one-hundred-year event.

E. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands governed by PaDEP Chapter 105 regulations (as amended or replaced from time to time by PaDEP), shall be designed in accordance with Chapter 105 and will require a permit from PaDEP.

F. Any other drainage conveyance facility that does not fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the twenty-five-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Any facility that constitutes a dam as defined in PaDEP Chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.

G. Any drainage conveyance facility and/or channel not governed by Chapter 105 regulations, must be able to convey, without damage to the drainage structure or roadway, runoff from the twenty-five-year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from that structure. Roadway crossings located within designated floodplain areas must be able to convey runoff from a one-hundred-year design storm. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.

H. Storm sewers must be able to convey proposed conditions runoff from a twenty-five-year design storm without surcharging inlets, where appropriate.

I. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.

J. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The municipality reserves the right to disapprove any design that would result in the construction in or continuation of a stormwater problem area.

K. No stormwater detention facility shall be placed within 50 feet of a special geologic feature. No stormwater conveyance facility shall be constructed within 50 feet of a special geologic feature, unless it is constructed of concrete pipe utilizing watertight joints, or an approved equal.

§ 505-131. NPDES requirements.

Federal regulations approved October 1999, require operators of small municipal separate storm sewer systems (MS4s) to obtain NPDES Phase II permits from DEP by March 2003. (NPDES II is an acronym for the National Pollutant Discharge Elimination System Phase II Stormwater Permitting Regulations.) This program affects all municipalities in "urbanized areas" of the state. Therefore, these identified municipalities will be subject to the NPDES Phase II requirements

mandated by the Federal Clean Water Act as administered by DEP. For more information on NPDES II requirements, contact the DEP Regional Office.

D

Drainage Plan Requirements

§ 505-141. General requirements.

For any of the activities regulated by this Part, the preliminary or final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any earth disturbance activity may not proceed until the property owner or applicant or his/her agent has received written approval of a drainage plan from the municipality and an adequate erosion and sediment control plan review by the Conservation District.

§ 505-142. Exemptions.

A. General exemptions. The following land use activities are exempt from the drainage plan submission requirements of this Part:

(1) Use of land for gardening for home consumption.

(2) Agriculture when operated in accordance with a conservation plan or erosion and sediment control plan (E & S) found adequate by the Conservation District.

(3) Forest management operations which are following the Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an approved E & S plan and must comply with stream buffer requirements in § 505-126B(6). A copy of the approved E & S plan shall be submitted to the municipality to prove exemption from the requirements of the stormwater ordinance.

B. Stormwater quantity control exemption.

(1) Any regulated activity that meets the impervious area exemption criteria in Table 505-142.1 or Table 505-142.2 shall not be required to submit a drainage plan implementing the stormwater quantity controls, specified in § 505-128 of this Part. These criteria shall apply to the total development even if development is to take place in phases. The date of the municipal ordinance adoption shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered. Impervious areas existing on the parent tract prior to adoption of this Part shall not be considered in cumulative impervious area calculations for exemption purposes.

Table 505-142.1

Impervious Area Exemption Criteria for Schuylkill River Watershed

Total Parcel Size (acres)	Impervious Area Exemption (square feet)
0 to < 0.125	1,000
0.125 to < 0.5	2,500
0.5 to < 1	5,000
1 to < 2	7,500

Table 505-142.1

Impervious Area Exemption Criteria for Schuylkill River Watershed

Total Parcel Size (acres)	Impervious Area Exemption (square feet)
2 to < 3	10,000
3 to < 4	12,500
> 4	15,000

Table 505-142.2

Impervious Area Exemption Criteria for Tulpehocken Creek Watershed

Total Parcel Size (acres)	Impervious Area Exemption (square feet)
0 to 0.25	2,500
0.25 to 1	5,000
1 to 2	10,000
2 to 5	15,000
> 5	20,000

(2) Applicants whose activities are exempted under Subsection B above shall still be required to meet the groundwater recharge (§ 505-125), water quality (§ 505-126), and stream bank erosion (§ 505-127) controls of this Part. Drainage plans in accordance with §§ 505-143A(2), 505-143B(7), (8), (11), (15) and (22) and 505-143D(2) must still be submitted. Any exemption must first be approved by the municipality.

C. Additional exemption criteria.

(1) Exemption responsibilities. An exemption shall not relieve the applicant from implementing such measures as are necessary to protect the public health, safety, and property. An exemption shall not relieve the applicant from providing adequate stormwater management for regulated activities to meet the purpose of this Part; however, drainage plans will not have to be submitted to the municipality.

(2) HQ and EV streams. This exemption shall not relieve the applicant from meeting the special requirements for watersheds draining to high quality (HQ) or exceptional value (EV) waters, identified and source water protection areas (SWPA) and requirements for nonstructural project design sequencing (§ 505-124), groundwater recharge (§ 505-125), water quality (§ 505-126), and stream bank erosion (§ 505-127).

(3) Drainage problems. If a drainage problem is documented or known to exist downstream of, or expected from the proposed activity, then the Municipality may require a drainage plan submittal.

(4) All regulated activities occurring in drainage areas tributary to waters designated HQ/EV pursuant to 25 Pa. Code, Chapter 93, shall not change any biological, chemical, or physical characteristics, including volume, rate, velocity, course, current, cross section, or temperature of the waters, unless the activity is specifically permitted in accordance with the environmental laws of the commonwealth.

§ 505-143. Drainage plan contents.

The drainage plan shall consist of a general description of the project including sequencing items described in § 505-124, calculations, maps and plans. A note on the maps shall refer to the associated computations and erosion and sediment control plan by title and date. The cover sheet of the computations and erosion and sediment control plan shall refer to the associated maps by title and date. All drainage plan materials shall be submitted to the municipality in a format that is clear, concise, legible, neat, and well organized; otherwise, the drainage plan shall not be accepted for review and shall be returned to the applicant. The following items shall be included in the drainage plan:

A. General.

(1) General description of the project including those areas described in § 505-124.

(2) General description of permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.

(3) Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.

(4) An erosion and sediment control plan, including all reviews and approvals by the Conservation District.

(5) A general description of nonpoint source pollution controls.

B. Maps. Map(s) of the project area shall be submitted on twenty-four-inch-by-thirty-six-inch sheets and/or shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Berks County. If Chapter 515, Subdivision and Land Development (SALDO), has more stringent criteria, then the more stringent criteria shall apply. The contents of the map(s) shall include, but not be limited to:

(1) The location of the project relative to highways, municipalities or other identifiable landmarks.

(2) Existing contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.

(3) Existing streams, lakes, ponds or other waters of the commonwealth within the project area.

(4) Other physical features including flood hazard boundaries, stream buffers, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.

(5) The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines.

(6) An overlay showing soil names and boundaries.

(7) Limits of earth disturbance, including the type and amount of impervious area that would be added.

(8) Proposed structures, roads, paved areas, and buildings.

(9) Final contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used. The Municipal Engineer may require contours at less than the above based upon site-specific conditions.

(10) The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.

(11) The date of submission.

(12) A graphic and written scale of one inch equals no more than 50 feet; for tracts of 20 acres or more, the scale shall be one inch equals no more than 100 feet.

(13) A North arrow.

(14) The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.

(15) Existing and proposed land use(s).

(16) A key map showing all existing man-made features beyond the property boundary that would be affected by the project.

(17) Location of all open channels.

(18) Overland drainage patterns and swales.

(19) A minimum fifteen-foot wide access easement surrounding all sides of all stormwater management facilities that would provide ingress to and egress from a public right-of-way.

(20) The location of all erosion and sediment control facilities.

(21) A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located on/off-site. All on/off-site facilities shall meet the performance standards and design criteria specified in this Part.

(22) A statement, signed by the landowner, acknowledging that any revision to the approved drainage plan must be approved by the municipality and the Conservation District.

(23) The following signature block for the design engineer:

"I, (Design Engineer), on this date (date of signature), hereby certify that the drainage plan meets all design standards and criteria of the applicable (Schuylkill River or Tulpehocken Creek) Watershed Act 167 Stormwater Management Ordinance."

C. Supplemental information.

(1) A written description of the following information shall be submitted:

(a) The overall stormwater management concept for the project designed in accordance with § 505-124.

(b) Stormwater runoff computations as specified in this Part.

(c) Stormwater management techniques to be applied both during and after development.

(d) Expected project time schedule.

(e) Development stages (project phases) if so proposed.

(f) An operation and maintenance plan in accordance with § 505-172 of this Part.

(2) An erosion and sediment control plan.

(3) The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.

(4) A declaration of adequacy and highway occupancy permit from the PennDOT District Office when utilization of a PennDOT storm drainage system is proposed.

D. Stormwater management facilities.

(1) All stormwater management facilities must be located on a plan and described in detail.

(2) When infiltration facilities such as seepage pits, beds or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.

(3) All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.

§ 505-144. Plan submission.

A. The municipality shall require receipt of a complete plan, as specified in this Part.

B. For any activities that require an NPDES permit for stormwater discharges from construction activities, a PaDEP joint permit application, a PennDOT highway occupancy permit, or any other permit under applicable state or federal regulations are regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PaDEP's rules and regulations, or, the proof of application for said permit(s) or approvals shall be part of the plan. The plan shall be coordinated with the state and federal permit process and the municipal SALDO review process.

(1) For projects which require SALDO approval, the drainage plan shall be submitted by the applicant as part of the preliminary plan submission where applicable for the regulated activity.

(2) For these regulated activities that do not require SALDO approval, see § 505-141, General requirements.

(3) Six copies of the drainage plan shall be submitted and distributed as follows:

(a) Two copies to the municipality accompanied by the requisite municipal review fee, as specified in this Part.

(b) Two copies to the Conservation District.

(c) One copy to the Municipal Engineer.

(d) One copy to the County Planning Commission/Department.

§ 505-145. Drainage plan review.

A. The Municipal Engineer shall review the drainage plan for consistency with the adopted applicable (Schuylkill River or Tulpehocken Creek) Watershed Act 167 Stormwater Management Plan. Any found incomplete shall not be accepted for review and shall be returned to the applicant.

B. The Municipal Engineer shall review the drainage plan for any subdivision or land development against Chapter 515, Subdivision and Land Development, provisions not superseded by this Part.

C. The County Conservation District shall review and approve the E & S plan for consistency with PaDEP's Chapter 102 regulations.

D. For activities regulated by this Part, the Municipal Engineer shall notify the applicant and the municipality in writing, within 45 calendar days, whether the drainage plan is consistent with the stormwater management plan.

(1) Should the drainage plan be determined to be consistent with the stormwater management plan, the Municipal Engineer shall forward an approval letter to the applicant.

(2) Should the drainage plan be determined to be inconsistent with the stormwater management plan, the Municipal Engineer shall forward a disapproval letter to the applicant. The disapproval letter shall cite the reason(s) and specific ordinance sections for the disapproval. Disapproval may be due to inadequate information to make a reasonable judgment as to compliance with the stormwater management plan. Any disapproved drainage plans may be revised by the applicant and resubmitted consistent with this Part.

E. For regulated activities specified in § 505-105 of this Part which require a building permit, the Municipal Engineer shall notify the Chief Building Official in writing, within a time frame consistent with the International Building Code [Chapter 180, Part 9] as adopted by the City of Reading and/or Chapter 515, Subdivision and Land Development, whether the drainage plan is consistent with the stormwater management plan and forward a copy of the

approval/disapproval letter to the applicant. Any disapproved drainage plan may be revised by the applicant and resubmitted consistent with this Part.

F. For regulated activities under this Part that require an NPDES permit application, the applicant shall forward a copy of the Municipal Engineer's letter stating that the drainage plan is consistent with the stormwater management plan to the Conservation District. PaDEP and the Conservation District may consider the Municipal Engineer's review comments in determining whether to issue a permit.

G. The municipality shall not grant approval or grant preliminary approval to any subdivision or land development for regulated activities specified in § 505-105 of this Part if the drainage plan has been found to be inconsistent with the stormwater management plan, as determined by the Municipal Engineer. All required permits from PaDEP must be obtained prior to approval of any subdivision or land development.

H. No building permits shall be issued for any regulated activity specified in § 505-105 of this Part if the drainage plan has been found to be inconsistent with the stormwater management plan, as determined by the Municipal Engineer, or without considering the comments of the Municipal Engineer. All required permits from PaDEP must be obtained prior to issuance of a building permit.

I. The applicant shall be responsible for completing record drawings of all stormwater management facilities included in the approved drainage plan. The record drawings and an explanation of any discrepancies with the design plans shall be submitted to the Municipal Engineer for final approval. In no case shall the municipality approve the record drawings until the municipality receives a copy of an approved declaration of adequacy and/or highway occupancy permit from the PennDOT District Office, NPDES permit, and any other applicable permits or approvals, from PaDEP or the Conservation District. The above permits and approvals must be based on the record drawings.

J. The municipality's approval of a drainage plan shall be valid for a period not to exceed five years commencing on the date that the municipality signs the approved drainage plan. If stormwater management facilities included in the approved drainage plan have not been constructed, or if constructed, and record drawings of these facilities have not been approved within this five-year time period, then the municipality may consider the drainage plan disapproved and may revoke any and all permits. Drainage plans that are considered disapproved by the municipality shall be resubmitted in accordance with § 505-147 of this Part.

§ 505-146. Modification of plans.

A. A modification to a drainage plan under review by the municipality for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the drainage plan as determined by the Municipal Engineer, shall require a resubmission of the modified drainage plan consistent with § 505-144 of this Part and be subject to review as specified in § 505-145 of this Part.

B. A modification to an already approved or disapproved drainage plan shall be submitted to the municipality, accompanied by the applicable municipal review and inspection fee. A modification to a drainage plan for which a formal action has not been taken by

the municipality shall be submitted to the municipality, accompanied by the applicable municipal review and inspection fee.

§ 505-147. Resubmission of disapproved drainage plans.

A disapproved drainage plan may be resubmitted, with the revisions addressing the Municipal Engineer's concerns documented in writing and addressed to the Municipal Secretary in accordance with § 505-144 of this Part and distributed accordingly and be subject to review as specified in § 505-145 of this Part. The applicable municipal review and inspection fee must accompany a resubmission of a disapproved drainage plan.

E
Inspections

§ 505-151. Schedule of inspections.

A. The Municipal Engineer or his designee shall inspect all phases of the installation of the permanent stormwater management facilities as deemed appropriate by the Municipal Engineer.

B. During any stage of the work, if the Municipal Engineer or his municipal designee determines that the permanent stormwater management facilities are not being installed in accordance with the approved stormwater management plan, the municipality shall revoke any existing building permits and issue a cease-and-desist order until a revised drainage plan is submitted and approved, as specified in this Part.

C. A final inspection of all stormwater management facilities shall be conducted by the Municipal Engineer or his municipal designee and to confirm compliance with the approved drainage plan prior to the issuance of any occupancy permit.

F
Fees and Expenses

§ 505-161. Municipality drainage plan review and inspection fee.

A. Fees shall be established by the municipality to defray plan review and construction inspection costs incurred by the municipality. All fees shall be paid by the applicant at the time of drainage plan submission. Review and inspection fee schedule shall be as follows based on the size of the regulated activity and based on the municipality's costs for reviewing drainage plans and conducting inspections pursuant to § 505-151. The municipality shall periodically update the review and inspection fee schedule to ensure that review costs are adequately reimbursed.

B. All fees in excess of the applicable filing fee, incurred for the review of plans and reports thereon by the Municipal Engineer or designee will be billed in accordance with the ordinary and customary charges of the Municipal Engineer and designee. The applicant shall, prior to the municipality's approval of the stormwater management report and plans, pay the municipality the excess amount expended in the reviewing of the plans/reports. Any unused portion of the total fee charged to any applicant will be returned to the applicant. This refund will be made only after plan approval by the municipality. No development or subdivision shall be approved unless all fees have been paid in full.

C. Stormwater management reports and drainage plans included with submission under Chapter 515, Subdivision and Land Development. The filing and review fee for reports and plans prepared to demonstrate compliance with this Part is included in the plan review fee established by resolution from time to time for submissions made under Chapter 515, Subdivision and Land Development Ordinance.

D. Fees for the following shall be as provided in Chapter 212, Fees.[16]

(1) Filing fee.

(2) Review of documentation in support of exemption.

(3) Review of stormwater management report and drainage plan.

(4) Construction observations. The fee associated with construction observations will be made part of the improvements agreements established for the construction project.

§ 505-162. Expenses covered by fees.

The fees required by this Part shall at a minimum cover:

A. Administrative costs.

B. The review of the drainage plan by the municipality and the Municipal Engineer.

C. The site inspections.

D. The inspection of stormwater management facilities and drainage improvements during construction.

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16. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

E. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the drainage plan.

F. Any additional work required to enforce any permit provisions regulated by this Part, correct violations, and assure proper completion of stipulated remedial actions.

G
Maintenance Responsibilities

§ 505-171. Performance guarantee.

A. For subdivisions and land developments the applicant shall provide a financial guarantee to the municipality for the timely installation and proper construction of all stormwater management controls as: required by the approved drainage plan equal to or greater than the full construction cost of the required controls; or in the amount and method of payment provided for in Chapter 515, Subdivision and Land Development.

B. For other regulated activities, the municipality may require a financial guarantee from the applicant.

C. At the completion of the project, and as a prerequisite for the release of the performance guarantee, the applicant or his representatives shall:

(1) Provide a certification of completion from an engineer, architect, surveyor or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.

(2) Provide a set of record drawings in the form required by § 505-112.

D. After the municipality receives the certification, a final inspection shall be conducted by the Municipal Engineer or designee to certify compliance with this Part.

§ 505-172. Responsibilities for operations and maintenance of stormwater controls and BMPs.

A. No regulated earth disturbance activities within the municipality shall commence until approval by the municipality of a stormwater control and BMP operations and maintenance plan which describes how the permanent (e.g., postconstruction) stormwater controls and BMPs will be properly operated and maintained.

B. The following items shall be included in the stormwater control and BMP operations and maintenance plan:

(1) Map(s) of the project area, in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Berks County, and shall be submitted on twenty-four-inch-by-thirty-six-inch sheets. The contents of the map(s) shall include, but not be limited to:

(a) Clear identification of the location and nature of permanent stormwater controls and BMPs.

(b) The location of the project site relative to highways, municipal boundaries or other identifiable landmarks.

(c) Existing and final contours at intervals of two feet, or others as appropriate.

(d) Existing streams, lakes, ponds, or other bodies of water within the project site area.

(e) Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be preserved.

(f) The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines of the project site.

(g) Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.

(h) Proposed final structures, roads, paved areas, and buildings.

(i) A minimum fifteen-foot wide access easement surrounding all sides of all stormwater controls and BMPs that would provide ingress to and egress from a public right-of-way.

(2) A description of how each permanent stormwater control and BMP will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance.

(3) The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.

(4) A statement, signed by the landowner, acknowledging that the stormwater controls and BMPs are fixtures that can be altered or removed only after approval by the municipality.

C. The stormwater control and BMP operations and maintenance plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater controls and BMPs, as follows:

(1) If a plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the municipality, stormwater controls and BMPs may also be dedicated to and maintained by the municipality at the municipality's sole discretion.

(2) If a plan includes operations and maintenance by a single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater controls and BMPs shall be the responsibility of the owner or private management entity.

D. The municipality shall make the final determination on the continuing operations and maintenance responsibilities. The municipality reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater controls and BMPs.

§ 505-173. Municipality review of stormwater control and BMP operations and maintenance plan.

A. The municipality shall review the stormwater control and BMP operations and maintenance plan for consistency with the purposes and requirements of this Part, and any permits issued by DEP.

B. The municipality shall notify the applicant, in writing, whether the stormwater control and BMP operations and maintenance plan is approved.

C. The municipality requires submission of a "record drawing" of all stormwater controls and BMPs, and an explanation of any discrepancies with the operations and maintenance plan. This must be completed in the same manner as defined in § 505-112.

§ 505-174. Adherence to approved stormwater control and BMP operations and maintenance plan.

It shall be unlawful to alter or remove any permanent stormwater control and BMP required by an approved stormwater control and BMP operations and maintenance plan, or to allow the property to remain in a condition which does not conform to an approved stormwater control and BMP operations and maintenance plan.

§ 505-175. Operations and maintenance agreement for privately owned stormwater controls and BMPs.

A. The property owner shall sign an operations and maintenance agreement with the municipality covering all stormwater controls and BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix A of this Part.[17]

B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater controls and BMPs. The agreement shall be subject to the review and approval of the municipality.

§ 505-176. Stormwater management easements.

A. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Municipal Engineer.

B. Stormwater management easements shall be provided by the property owner if necessary for: access for inspections and maintenance; or preservation of stormwater runoff conveyance, infiltration, and detention areas and other stormwater controls and BMPs, by persons other than the property owner. The purpose of the easement shall be specified in any agreement under § 505-176.

§ 505-177. Maintenance agreement for privately owned stormwater facilities.

A. Prior to final approval of the site's drainage plan, the applicant shall sign and record the maintenance agreement contained in Appendix A which is attached and made part hereof, covering all stormwater control facilities that are to be privately owned.

B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the Municipal Solicitor and Municipal Engineer, or their designees.

§ 505-178. Recording of approved stormwater control and BMP operations and maintenance plan and related agreements.

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17. Editor's Note: Appendix A is included at the end of this chapter.

A. The owner of any land upon which permanent stormwater controls and BMPs will be placed, constructed or implemented, as described in the stormwater control and BMP operations and maintenance plan, shall record the following documents in the Office of the Recorder of Deeds for Berks County, within 15 days of approval of the stormwater control and BMP operations plan by the municipality:

(1) The operations and maintenance plan, or a summary thereof.

(2) Operations and maintenance agreements under § 505-175.

(3) Easements under § 505-176.

B. The municipality may suspend or revoke any approvals granted or deny any and all permit subsequent issuance for the project site upon discovery of the failure of the owner to comply with this section.

§ 505-179. Municipal stormwater control and BMP operation and maintenance fund.

A. Persons installing stormwater controls or BMPs shall be required to pay a specified amount to the Municipal stormwater control and BMP operation and maintenance fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

(1) If the stormwater control or BMP is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the municipality for a period of 10 years, as estimated by the Municipal Engineer. After that period of time, inspections will be performed at the expense of the municipality.

(2) If the stormwater control or BMP is to be owned and maintained by the municipality, the deposit shall cover the estimated costs for maintenance and inspections for 10 years. The Municipal Engineer will establish the estimated costs utilizing information submitted by the applicant.

(3) The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Municipal Engineer shall determine the present worth equivalents, which shall be subject to the approval of the governing body.

B. If a stormwater control or BMP is proposed that also serves as a recreation facility (e.g., ballfield, lake), the municipality may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.

C. If at some future time a stormwater control or BMP (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

D. If stormwater controls or BMPs are accepted by the municipality for dedication, the municipality may require persons installing stormwater controls or BMPs to pay a specified amount to the municipal stormwater control and BMP operation and maintenance fund, to help defray costs of operations and maintenance activities. The amount may be determined as follows:

(1) If the stormwater control or BMP is to be owned and maintained by the municipality, the amount shall cover the estimated costs for operations and maintenance for 10 years, as determined by the municipality.

(2) The amount shall then be converted to present worth of the annual series values.

E. If a stormwater control or BMP is proposed that also serves as a recreation facility (e.g., ballfield, lake), the municipality may adjust the amount due accordingly.

F. Long-term maintenance. The municipality shall require applicants to pay a fee to the municipal stormwater maintenance fund to cover long-term maintenance of stormwater control and best management practices.

G. Stormwater-related problems. The municipality may require applicants to pay a fee to the municipal stormwater maintenance fund to cover stormwater-related problems which may arise from the land development and earth disturbance. The municipality and/or any adversely impacted property owners may institute the appropriate legal, equitable or otherwise action to prevent, restrain, correct or abate problems and seek restitution and/or damages resulting from stormwater problems emanating from the land development or earth disturbance activities.

H
Prohibitions

§ 505-181. Prohibited discharges.

A. No person in the municipality shall allow, or cause to allow, stormwater discharges into the municipality's separate storm sewer system which are not composed entirely of stormwater, except: as provided in Subsection B below; and discharges allowed under a state or federal permit.

B. Discharges which may be allowed based on a finding by the municipality that the discharge(s) do not significantly contribute to pollution to surface waters of the commonwealth, are:

(1) Discharges from firefighting activities.

(2) Potable water sources including dechlorinated water line and fire hydrant flushings.

(3) Irrigation drainage.

(4) Routine external building washdown (which does not use detergents or other compounds).

(5) Air-conditioning condensate.

(6) Water from individual residential car washing.

(7) Spring water from crawl space pumps.

(8) Uncontaminated water from foundation or from footing drains.

(9) Flows from riparian habitats and wetlands.

(10) Lawn watering.

(11) Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.

(12) Dechlorinated swimming pool discharges.

(13) Uncontaminated groundwater.

C. In the event that the municipality determines that any of the discharges identified in Subsection B significantly contribute to pollution of waters of the commonwealth, or is so notified by DEP, the municipality will notify the responsible person to cease the discharge.

D. Upon notice provided by the municipality under Subsection C, the discharger will have a reasonable time, as determined by the municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.

E. Nothing in this section shall affect a discharger's responsibilities under state law.

§ 505-182. Prohibited connections.

The following connections are prohibited, except as provided in § 505-181B above:

A. Any drain or conveyance, whether on the surface or subsurface, which allows any nonstormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks.

B. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the municipality.

§ 505-183. Roof drains.

A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then it shall be permitted on a case-by-case basis by the municipality.

B. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the municipality.

C. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

§ 505-184. Alteration of BMPs.

A. No person shall modify, remove, fill, landscape or alter any existing stormwater control or BMP, unless it is part of an approved maintenance program, without the written approval of the municipality.

B. No person shall place any structure, fill, landscaping or vegetation into a stormwater control or BMP or within a drainage easement, which would limit or alter the functioning of the stormwater control or BMP, without the written approval of the municipality.

I
Enforcement and Penalties

§ 505-191. Right of entry.

A. Upon presentation of proper credentials, duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to inspect the implementation, condition, or operation and maintenance of the stormwater controls or BMPs in regard to any aspect governed by this Part.

B. Stormwater control and BMP owners and operators shall allow persons working on behalf of the municipality ready access to all parts of the premises for the purposes of determining compliance with this Part.

C. Persons working on behalf of the municipality shall have the right to temporarily locate on any stormwater control or BMP in the municipality such devices as are necessary to conduct monitoring and/or sampling of the discharges from such stormwater control or BMP.

D. Unreasonable delays in allowing the municipality access to a stormwater control or BMP is a violation of this Part.

§ 505-192. Public nuisance.

A. The violation of any provision of this Part is hereby deemed a public nuisance.

B. Each day that a violation continues shall constitute a separate violation.

§ 505-193. Enforcement generally.

A. Whenever the municipality finds that a person has violated a prohibition or failed to meet a requirement of this Part, the municipality may order compliance by written notice to the responsible person. Such notice may require, without limitation:

(1) The performance of monitoring, analyses, and reporting.

(2) The elimination of prohibited connections or discharges.

(3) Cessation of any violating discharges, practices, or operations.

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.

(5) Payment of a fine to cover administrative and remediation costs.

(6) The implementation of stormwater controls and BMPs.

(7) Operation and maintenance of stormwater controls and BMPs.

(8) Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the municipality or designee and the expense thereof shall be charged to the violator.

B. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Part. All such penalties shall be deemed cumulative and shall not prevent the municipality from pursuing any and all other remedies available in law or equity.

§ 505-194. Suspension and revocation of permits and approvals.

A. Any building, land development or other permit or approval issued by the municipality may be suspended or revoked by the municipality for:

(1) Noncompliance with or failure to implement any provision of the permit.

(2) A violation of any provision of this Part.

(3) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.

B. A suspended permit or approval shall be reinstated by the municipality when:

(1) The Municipal Engineer or designee has inspected and approved the corrections to the stormwater controls and BMPs, or the elimination of the hazard or nuisance.

(2) The municipality is satisfied that the violation of the ordinance, law, or rule and regulation has been corrected.

C. A permit or approval which has been revoked by the municipality at its discretion cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Part.

§ 505-195. Violations and penalties.

A. Any person violating the provisions of this Part shall be subject to a fine of not less than $100 nor more than $1,000 for each violation, recoverable with costs, or imprisonment for not more than 90 days, or both. Each day that the violation continues shall constitute a separate offense and the applicable fines are cumulative.

B. In addition, the municipality, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

§ 505-196. Notification.

In the event that a person fails to comply with the requirements of this Part, or fails to conform to the requirements of any permit issued hereunder, the municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this Part. All such penalties shall be deemed cumulative and shall not prevent the municipality from pursuing any and all remedies. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Part.

§ 505-197. Enforcement.

The municipal governing body is hereby authorized and directed to enforce all of the provisions of this Part. All inspections regarding compliance with the drainage plan shall be the responsibility of the Municipal Engineer or his designee.

A. A set of design plans approved by the municipality shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the municipality or designee during construction.

B. Adherence to approved plan. It shall be unlawful for any person, firm or corporation to undertake any regulated activity under § 505-105 on any property except as provided for in the approved drainage plan and pursuant to the requirements of this Part. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this Part or to allow the property to remain in a condition which does not conform to the approved drainage plan.

C. At the completion of the project, and as a prerequisite for the release of the performance guarantee, the owner or his representatives shall:

(1) Provide a certification of completion from an engineer, architect, surveyor or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.

(2) Provide a set of as-built (record) drawings.

D. After receipt of the certification by the municipality, a final inspection shall be conducted by the Municipal Engineer or designated representative to certify compliance with this Part.

E. Prior to revocation or suspension of a permit and at the request of the applicant, the governing body will schedule a hearing to discuss the noncompliance if there is no immediate danger to life, public health or property. The expense of a hearing shall be the owner's responsibility.

F. Occupancy permit. An occupancy permit shall not be issued unless the certification of completion pursuant to Subsection C(1) has been secured and a final inspection performed pursuant to Subsection D. The occupancy permit shall be required for each lot owner and/or applicant for all subdivisions and land development in the municipality.

G. The municipality and/or any adversely impacted property owners may institute the appropriate legal, equitable or otherwise action to prevent, restrain, correct or abate problems and seek restitution and/or damages resulting from stormwater problems emanating from the land development or earth disturbance activities.

§ 505-198. Appeals.

A. Any person aggrieved by any action of the City of Reading or its designee may appeal to City Council within 30 days of that action.

B. Any person aggrieved by any decision of City Council may appeal to the Berks County Court of Common Pleas in the County where the activity has taken place within 30 days of the municipal decision.

505 Attachment 1

City of Reading

Appendix A
Stormwater Controls and Best Management Practices
Operations and Maintenance Agreement

THIS AGREEMENT, made and entered into this ____ day of _____, 20___, by and between _____, (hereinafter the "Landowner"), and the City of Reading, Berks County, Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Berks County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Stormwater Controls and BMP Operations and Maintenance Plan approved by the Municipality (hereinafter referred to as the "Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of best management practices (BMPs); and

WHEREAS, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site stormwater best management practices be constructed and maintained on the Property; and

WHEREAS, for the purposes of this agreement, the following definitions shall apply:

BMP - best management practice — Activities, facilities, designs, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the Municipal Stormwater Management Ordinance including, but not limited to, infiltration trenches, seepage pits, filter strips, bioretention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.

- Infiltration trench — A BMP surface structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer;

- Seepage pit — An underground BMP structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer;

- Rain garden — A BMP overlain with appropriate mulch and suitable vegetation designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer; and

WHEREAS, the Municipality requires, through the implementation of the Plan, that stormwater management BMPs as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, his successors and assigns; and

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.

2. The Landowner shall operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality and in accordance with the specific maintenance requirements noted on the Plan.

3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.

4. In the event the Landowner fails to operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the Municipality to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.

5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Municipality.

6. The intent and purpose of this Agreement is to ensure the proper maintenance of the on-site BMP(s) by the Landowner; provided, however, that this Agreement shall not be deemed to create or affect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.

7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality's employees and designated representatives from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or Municipality. In the event that a claim is asserted against the Municipality, its designated representatives or employees, the Municipality shall

promptly notify the Landowner and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the Municipality's employees or designated representatives shall be allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.

8. The Municipality shall inspect the BMP(s) at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Berks County, Pennsylvania, and shall constitute a covenant running with the property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL) For the Municipality:

_____

(SEAL) For the Landowner:

_____

ATTEST:

_____ (City, Borough, Township)

County of _____, Pennsylvania

I, _____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20__, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20__, has acknowledged the same before me in my said County and State.

GIVEN UNDER MY HAND THIS _____ day of _____, 20___.

_____ _____

NOTARY PUBLIC (SEAL)

505 Attachment 2

City of Reading

Appendix B
Stormwater Management Design Criteria

Table B-1
Point Precipitation Frequency Estimates from NOAA Atlas 14
Reading WB City, Pennsylvania (36-7318) 40.3333° N, 75.9667° W, 298 feet

Source: "Precipitation-Frequency Atlas of the United States" NOAA Atlas 14, Volume 2, Version 3 G.M. Bonnin, D. Martin, B. Lin, T. Parzybok, M. Yekta, and D. Riley NOAA, National Weather Service, Silver Spring, Maryland, 2004 Extracted: Fri Jun 13 2008.

Precipitation Frequency Estimates (inches)																		
ARI* (years)	**5 min**	**10 min**	**15 min**	**30 min**	**60 min**	**120 min**	**3 hr**	**6 hr**	**12 hr**	**24 hr**	**48 hr**	**4 day**	**7 day**	**10 day**	**20 day**	**30 day**	**45 day**	**60 day**
1	0.34	0.53	0.66	0.90	1.12	1.36	1.49	1.87	2.29	2.65	3.08	3.43	4.03	4.62	6.24	7.77	9.80	11.76
2	0.40	0.63	0.79	1.09	1.36	1.65	1.81	2.25	2.77	3.19	3.72	4.13	4.83	5.51	7.40	9.15	11.50	13.77
5	0.47	0.74	0.94	1.32	1.69	2.05	2.26	2.81	3.46	4.00	4.68	5.14	5.96	6.71	8.81	10.65	13.21	15.70
10	0.52	0.82	1.03	1.49	1.93	2.37	2.60	3.25	4.04	4.68	5.46	5.97	6.89	7.67	9.93	11.82	14.50	17.13
25	0.57	0.90	1.14	1.68	2.22	2.79	3.08	3.89	4.89	5.67	6.57	7.16	8.23	9.03	11.44	13.36	16.14	18.95
50	0.61	0.96	1.22	1.81	2.45	3.14	3.46	4.41	5.61	6.50	7.49	8.14	9.34	10.12	12.63	14.54	17.36	20.28
100	0.65	1.02	1.29	1.95	2.68	3.49	3.85	4.97	6.39	7.41	8.49	9.18	10.51	11.26	13.83	15.70	18.52	21.52
200	0.68	1.07	1.35	2.08	2.90	3.86	4.26	5.57	7.25	8.40	9.55	10.29	11.78	12.45	15.05	16.86	19.64	22.70
500	0.72	1.13	1.42	2.23	3.18	4.37	4.83	6.42	8.52	9.84	11.07	11.88	13.58	1.116	16.71	18.37	21.03	24.15
1,000	0.75	1.17	1.46	2.34	3.39	4.77	5.28	7.12	9.59	11.04	12.33	13.18	15.06	15.45	17.99	19.50	22.04	25.19

* These precipitation frequency estimates are based on a partial duration series. ARI is the "average recurrence interval."

Precipitation Intensity Estimates (inches/hour)																		
ARI* (years)	**5 min**	**10 min**	**15 min**	**30 min**	**60 min**	**120 min**	**3 hr**	**6 hr**	**12 hr**	**24 hr**	**48 hr**	**4 day**	**7 day**	**10 day**	**20 day**	**30 day**	**45 day**	**60 day**
1	4.02	3.19	2.65	1.81	1.12	0.68	0.50	0.31	0.19	0.11	0.06	0.04	0.02	0.02	0.01	0.01	0.01	0.01
2	4.78	3.80	3.17	2.18	1.36	0.82	0.60	0.38	0.23	0.13	0.08	0.04	0.03	0.02	0.02	0.01	0.01	0.01
5	5.59	4.45	3.74	2.64	1.69	1.02	0.75	0.47	0.29	0.17	0.10	0.05	0.04	0.03	0.02	0.01	0.01	0.01
10	6.20	4.91	4.13	2.97	1.93	1.18	0.87	0.54	0.34	0.20	0.11	0.06	0.04	0.03	0.02	0.02	0.01	0.01
25	6.86	5.42	4.56	3.35	2.22	1.40	1.03	0.65	0.41	0.24	0.14	0.07	0.05	0.04	0.02	0.02	0.01	0.01
50	7.32	5.77	4.86	3.63	2.45	1.57	1.15	0.74	0.47	0.27	0.16	0.08	0.06	0.04	0.03	0.02	0.02	0.01
100	7.78	6.12	5.15	3.90	2.68	1.75	1.28	0.83	0.53	0.31	0.18	0.10	0.06	0.05	0.03	0.02	0.02	0.01
200	8.21	6.43	5.39	4.15	2.90	1.93	1.42	0.93	0.60	0.35	0.20	0.11	0.07	0.05	0.03	0.02	0.02	0.02
500	8.66	6.77	5.67	4.46	3.18	2.18	1.61	1.07	0.71	0.41	0.23	0.12	0.08	0.06	0.03	0.03	0.02	0.02
1,000	8.99	7.00	5.85	4.67	3.39	2.38	1.76	1.19	0.80	0.46	0.26	0.14	0.09	0.06	0.04	0.03	0.02	0.02

* These precipitation frequency estimates are based on a partial duration series. ARI is the “average recurrence interval.”

Figure B-1
NRCS (SCS) Type II Rainfall Distribution – S Curve

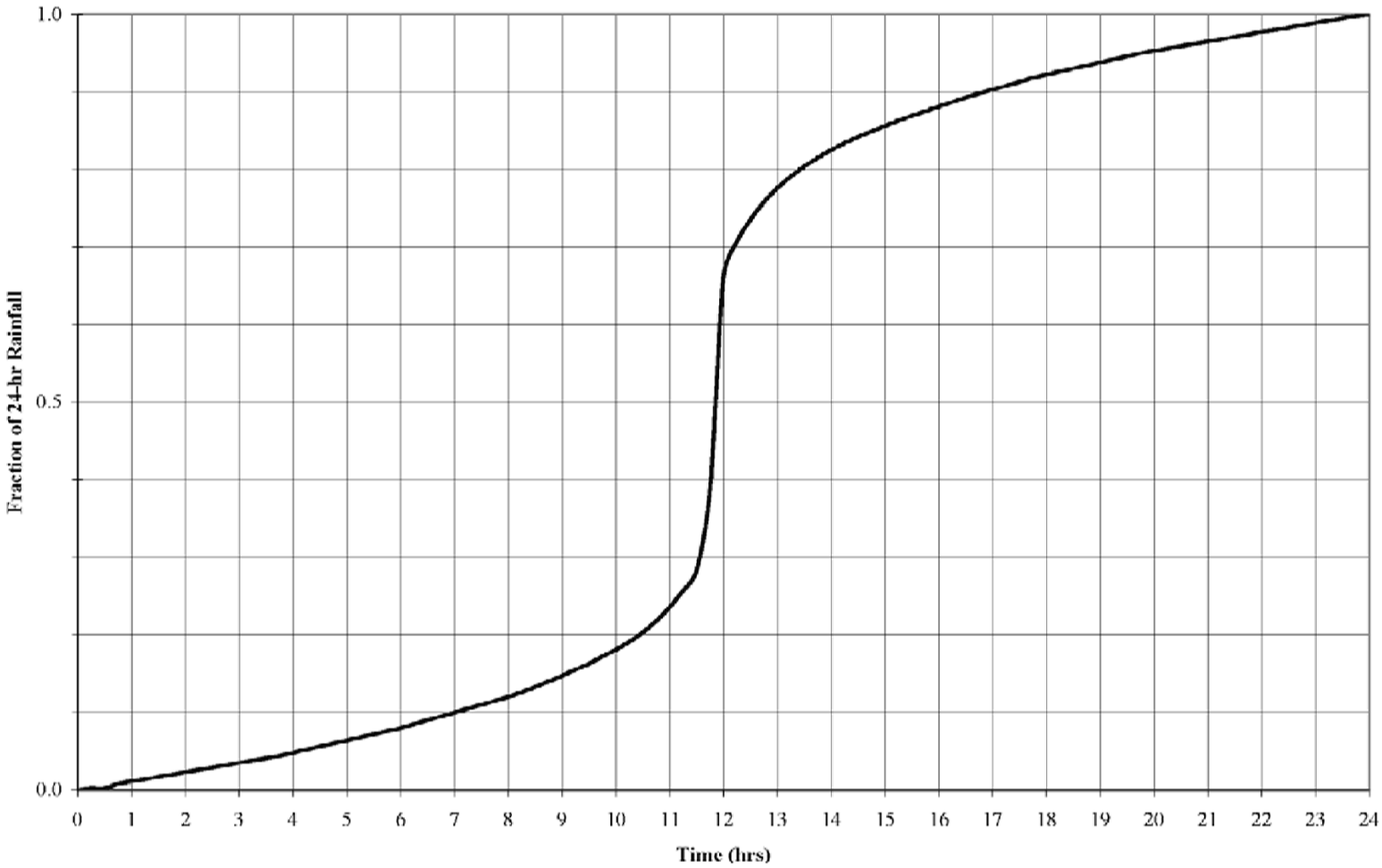

Table B-2
Runoff Curve Numbers
(From NRCS (SCS) TR-55)

Land Use Description		**Hydrologic Soil Group**			
		A	**B**	**C**	**D**
Open space		44	65	77	82
Meadow/orchard		30	58	71	78
Agricultural		59	71	79	83
Forest		36	60	73	79
Commercial	(85% impervious)	89	92	94	95
Industrial	(72% impervious)	81	88	91	93
Institutional	(50% impervious)	71	82	88	90
Residential					
Average lot size	% impervious				
1/8 acre or less*	65	77	85	90	92
1/8 – 1/3 acre	34	59	74	82	87
1/3 – 1 acre	23	53	69	80	85
1-4 acres	12	46	66	78	82
Farmstead		59	74	82	86
Smooth surfaces (concrete, asphalt, gravel or bare compacted soil)		98	98	98	98
Water		98	98	98	98
Mining/newly graded areas		77	86	91	94
(Pervious areas only)					

* Includes multifamily housing unless justified lower density can be provided.

NOTE: Existing site conditions of bare earth or follow ground shall be considered as meadow when choosing a CN value.

Table B-3
Rational Runoff Coefficients
By Hydrologic Soils Group and Overland Slope (%)

	A			B			C			D		
Land Use	**0-2%**	**2-6%**	**6%+**	**0-2%**	**2-6%**	**6%+**	**0-2%**	**2-6%**	**6%+**	**0-2%**	**2-6%**	**6%+**
Cultivated land	0.08[a]	0.13	0.16	0.11	0.15	0.21	0.14	0.19	0.26	0.18	0.23	0.31
	0.14[b]	0.18	0.22	0.16	0.21	0.28	0.20	0.25	0.34	0.24	0.29	0.41
Pasture	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
	0.15	0.25	0.37	0.23	0.34	0.45	0.30	0.42	0.52	0.37	0.50	0.62
Meadow	0.10	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
	0.14	0.22	0.30	0.20	0.28	0.37	0.26	0.35	0.44	0.30	0.40	0.50
Forest	0.05	0.08	0.11	0.08	0.11	0.14	0.10	0.13	0.16	0.12	0.16	0.20
	0.08	0.11	0.14	0.10	0.14	0.18	0.12	0.16	0.20	0.15	0.20	0.25
Residential												
Lot size 1/8 acre	0.25	0.28	0.31	0.27	0.30	0.25	0.30	0.33	0.38	0.33	0.36	0.42
	0.33	0.37	0.40	0.35	0.39	0.44	0.38	0.42	0.49	0.41	0.45	0.54
Lot size 1/4 acre	0.22	0.26	0.29	0.24	0.29	0.33	0.27	0.31	0.36	0.30	0.34	0.40
	0.30	0.34	0.37	0.33	0.37	0.42	0.36	0.40	0.47	0.38	0.42	0.52
Lot size 1/3 acre	0.19	0.23	0.26	0.22	0.26	0.30	0.25	0.29	0.34	0.28	0.32	0.39
	0.28	0.32	0.35	0.30	0.35	0.39	0.33	0.38	0.45	0.36	0.40	0.50
Lot size 1/2 acre	0.16	0.20	0.24	0.19	0.23	0.28	0.22	0.27	0.32	0.26	0.30	0.37
	0.25	0.29	0.32	0.28	0.32	0.36	0.31	0.35	0.42	0.34	0.38	0.48
Lot size 1 acre	0.14	0.19	0.22	0.17	0.21	0.26	0.20	0.25	0.31	0.24	0.29	0.35
	0.22	0.26	0.29	0.24	0.28	0.34	0.28	0.32	0.40	0.31	0.35	0.46
Industrial	0.67	0.68	0.68	0.68	0.68	0.69	0.68	0.69	0.69	0.69	0.69	0.70
	0.85	0.85	0.86	0.85	0.86	0.86	0.86	0.86	0.87	0.86	0.86	0.88
Commercial	0.71	0.71	0.72	0.71	0.72	0.72	0.72	0.72	0.72	0.72	0.72	0.72
	0.88	0.88	0.89	0.89	0.89	0.89	0.89	0.89	0.90	0.89	0.89	0.90
Streets	0.70	0.71	0.71	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
	0.76	0.77	0.79	0.80	0.82	0.84	0.84	0.85	0.89	0.89	0.91	0.95
Open space	0.05	0.10	0.14	0.08	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.28
	0.11	0.16	0.20	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
Parking	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97

[a] Runoff coefficients for storm recurrence intervals less than 25 years.
[b] Runoff coefficients for storm recurrence intervals 25 years or more.

Source: Rawls, W.J., S.L. Wong and R.H. McCuen, 1981, "Comparison of Urban Flood Frequency Procedures," Preliminary Draft, U.S. Department of Agriculture, Soil Conservation Service, Baltimore, MD.

Table B-4
Manning Roughness Coefficients

Roughness Coefficients (Manning's "n") for Overland Flow
(U.S. Army Corps of Engineers, HEC-1 User's Manual)

Surface Description	**N**
Dense growth	0.4. – 0.5
Pasture	0.3 – 0.4
Lawns	0.2 – 0.3
Bluegrass sod	0.2 – 0.5
Short grass prairie	0.1 – 0.2
Sparse vegetation	0.05 – 0.13
Bare clay-loam soil (eroded)	0.01 – 0.03
Concrete/asphalt	
Very shallow depths (less than 1/4 inch)	0.10 – 0.15
Small depths (1/4 inch to several inches)	0.05 – 0.10

Roughness Coefficients (Manning's "n") for Channel Flow

Reach Description	**N**
Natural stream, clean, straight, no rifts or pools	0.03
Natural stream, clean, winding, some pools or shoals	0.04
Natural stream, winding, pools, shoals, stony with some weeds	0.05
Natural stream, sluggish deep pools and weeds	0.07
Natural stream or swale, very weedy or with timber underbrush	0.10
Concrete pipe, culvert or channel	0.012
Corrugated metal pipe	0.012-0.027[(1)]
High-density polyethylene (HDPE) pipe	
Corrugated	0.021-0.029[(2)]
Smooth-lined	0.012-0.020[(2)]

NOTES:
(1) Depending upon type, coating and diameter.
(2) Values recommended by the American Concrete Pipe Association, check manufacturer's recommended value.

Figure B-2
Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock

Site Risk Factors	Geology Type	Carbonate Bedrock																													
	Effective Soil Thickness	Less than 2 Feet	2 to 4 Feet									Over 4 Feet to 8 Feet									Over 8 Feet									
	Special Geologic Features*	Low/Medium/ High Buffer	Low Buffer			Medium Buffer			High Buffer			Low Buffer			Medium Buffer			High Buffer			Low Buffer			Medium Buffer			High Buffer		
Site Investigation Recommended		(Unacceptable)	Preliminary			Preliminary			Preliminary			Preliminary			Preliminary			Preliminary			Preliminary			Preliminary			Preliminary		
Design Factors	Infiltration Loading Rates (% increase)**	(Unacceptable)	0-100 %	100-300 %	300-500 %	0-100 %	100-300 %	300-500 %	0-100 %	100-300 %	300-500 %	0-100 %	100-300 %	300-500 %	0-100 %	100-300 %	300-500 %	0-100 %	100-300 %	300-500 %	0-100 %	100-300 %	300-500 %	0-100 %	100-300 %	300-500 %	0-100 %	100-300 %	300-500 %
Program Summary Ordinance***						1	1				1	2								1	2					1			

Recommended Not Recommended

* Special geologic feature buffer widths are as follows:
Low buffer is less than 50 feet.
Medium buffer is 50 feet to 100 feet.
High buffer is greater than 100 feet.

** Rates greater than 500% not recommended.

*** Assumes adequately permeable soils and lack of natural constraints as required for all infiltration systems.

1 Infiltration systems may be allowed at the determination of the engineer and/or geologist, provided that a detailed site investigation is undertaken which confirms nature of rock, location of special geologic features, and adequacy of the buffer between the SGF and the proposed stormwater system(s).

2 In these special geologic features low buffer situations, infiltration systems may be allowed at the determination of the engineer and/or geologist, provided that a detailed site investigation is undertaken and a twenty-five-foot buffer from SGFs is maintained.

Source: Little Lehigh Creek Watershed ACT 167 – Stormwater Management Ordinance, May 2004.

505 Attachment 3

City of Reading

Appendix C
Sample Drainage Plan Application

(To be attached to the "land subdivision plan or development plan review application" or "minor land subdivision plan review application.")

Application is hereby made for review of the Stormwater Management and Erosion and Sedimentation Control Plan and related data as submitted herewith in accordance with the City of Reading Stormwater Management and Earth Disturbance Ordinance.

_____ Final Plan _____ Preliminary Plan _____ Sketch Plan

Date of Submission _____ Submission No. _____

1. Name of subdivision or development _____

2. Name of Applicant _____ Telephone No. _____

   (if corporation, list the corporation's name and the names of two officers of the corporation)
   _____ Officer 1
   _____ Officer 2

   Address _____
   Zip _____

   Applicant's interest in subdivision or development
   (if other than property owner, give owner's name and address)

3. Name of property owner_____ Telephone No. _____

   Address _____
   Zip _____

4. Name of Engineer or Surveyor _____ Telephone No. _____

   Address _____
   Zip _____

5. Type of subdivision or development proposed:

_____ Single-family lots	_____ Townhouses	_____ Commercial (multi-lot)
_____ Two-family lots	_____ Garden apartments	_____ Commercial (one-lot)
_____ Multifamily lots	_____ Mobile home park	_____ Industrial (multi-lot)
_____ Cluster-type lots	_____ Campground	_____ Industrial (one-lot)
_____ Planned residential development	_____ Other (_____)	

6. Lineal feet of new road proposed _____ L.F.

7. Area of proposed and existing impervious area on entire tract.

   A. Existing (to remain) _____ S.F. _____ % of Property
   B. Proposed _____ S.F. _____ % of Property

8. Stormwater

   A. Does the peak rate of runoff from proposed conditions exceed that flow which occurred for existing conditions for the designated design storm? _____

   B. Design storm utilized (on-site conveyance systems) (24-hour) _____
      No. of Subarea _____
      Watershed Name _____

      Explain: _____
      _____
      _____

   C. Does the submission and/or district meet the release rate criteria for the applicable subarea? _____

   D. Number of subarea(s) from Appendix D of the Watershed Stormwater Management Plan. _____

   E. Type of proposed runoff control _____

   F. Does the proposed stormwater control criteria meet the requirements/guidelines of the Stormwater Ordinance? _____

      If not, what variances/waivers are requested? _____
      _____

      Reasons _____

   G. Does the plan meet the requirements of Subpart C of the Stormwater Ordinances? ____

      If not, what variances/waivers are requested? _____

      Reasons Why _____
      _____

   H. Was TR-55, June 1986, utilized in determining the time of concentration? _____
      _____

   I. What hydrologic method was used in the stormwater computations? _____
      _____

J. Is a hydraulic routing through the stormwater control structure submitted? _____
_____

K. Is a construction schedule or staging attached? _____

L. Is a recommended maintenance program attached? _____

9. Erosion and Sediment Pollution Control (E&S):

A. Has the stormwater management and E&S plan, supporting documentation and narrative been submitted to the Berks County Conservation District? _____

B. Total area of earth disturbance _____ S.F.

10. Wetlands.

A. Have the wetlands been delineated by someone trained in wetland delineation? _____

B. Have the wetland lines been verified by a state or federal permitting authority? _____

C. Have the wetland lines been surveyed? _____

D. Total acreage of wetland within the property _____

E. Total acreage of wetland disturbed _____

F. Supporting documentation _____

11. Filing

A. Has the required fee been submitted? _____

Amount _____

B. Has the proposed schedule of construction inspection to be performed by the applicant's engineer been submitted? _____

C. Name of individual who will be making the inspections _____

D. General comments about stormwater management at the development _____
_____
_____

CERTIFICATE OF OWNERSHIP AND ACKNOWLEDGMENT OF APPLICATION:

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF __[County Name]__.

On this the _____ day of _____, 20 ____, before me, the undersigned officer, personally appeared _____ who being duly sworn, according to law, deposes and says that _____ owners of the property described in this application and that the application was made with _____ knowledge and/or direction and does hereby agree with the said application and to the submission of the same.

_____ Property Owner

My Commission Expires _____ 20 _____

Notary Public _____

I hereby certify that to the best of my knowledge and belief the information and statements given above are true and correct. I make this verification subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

SIGNATURE OF APPLICANT _____

//

(Information below this line to be completed by the municipality)

_____ (Name of Municipality) official submission receipt:

Date complete application received _____ Plan Number _____

Fees _____ date fees paid _____ received by _____

Official submission receipt date _____

Received by _____

_____
Municipality

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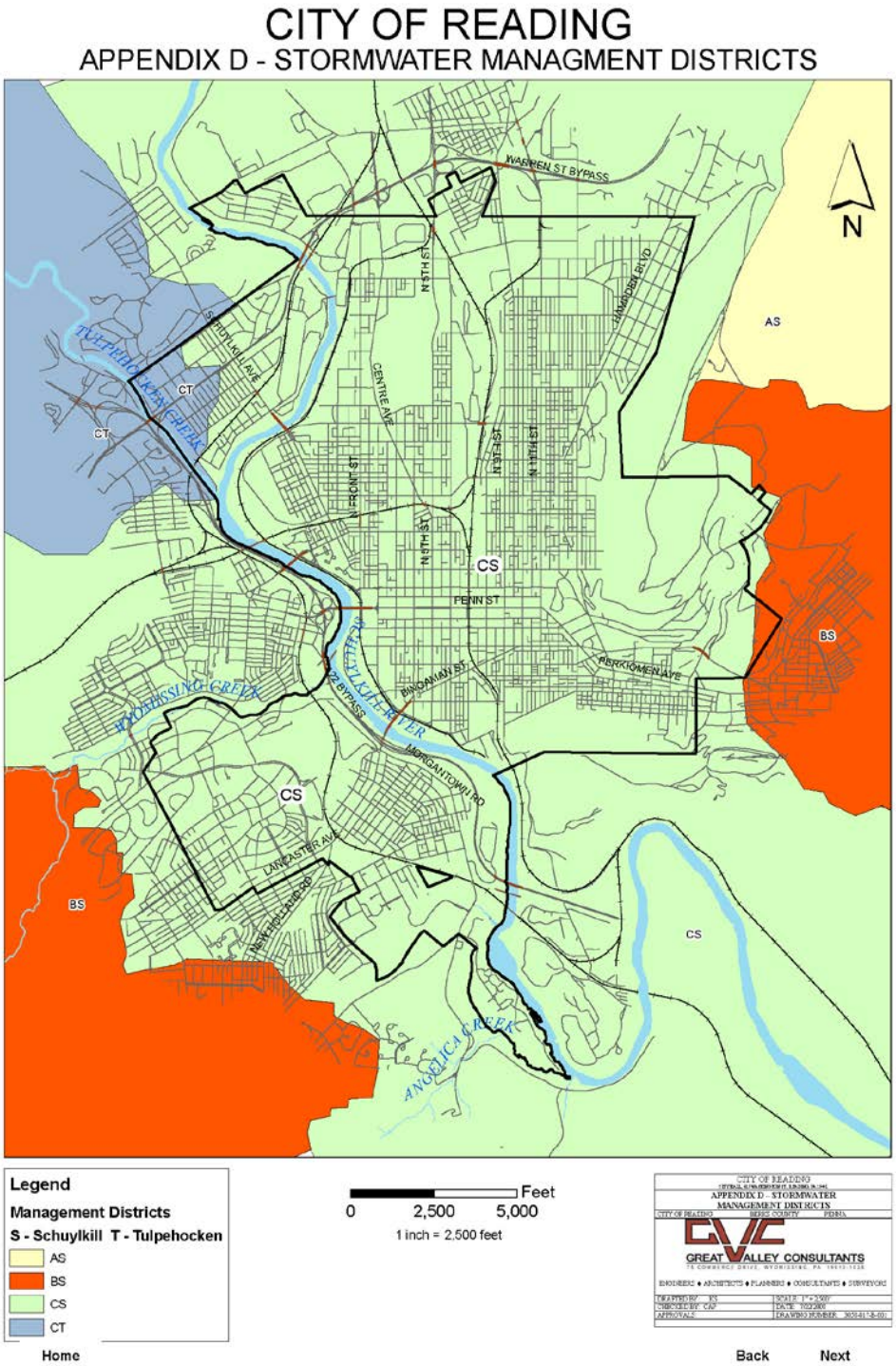
City of Reading

Appendix D
Stormwater Management District Watershed Map



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City of Reading

Appendix E
Low-Impact Development (LID) Practices
Alternative Approach for Managing Stormwater Runoff

Natural hydrologic conditions may be altered radically by poorly planned development practices, such as introducing unneeded impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers, and changing local topography. A traditional drainage approach of development has been to remove runoff from a site as quickly as possible and capture it in a detention basin. This approach leads ultimately to the degradation of water quality as well as expenditure of additional resources for detaining and managing concentrated runoff at some downstream location.

The recommended alternative approach is to promote practices that will minimize proposed conditions runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate predevelopment hydrologic conditions, infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces. The ability of the ground to infiltrate depends upon the soil types and its conditions.

Preserving natural hydrologic conditions requires careful alternative site design considerations. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage. A well-designed site will contain a mix of all those features. The following describes various techniques to achieve the alternative approach:

- **Preserving natural drainage features.** Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in land development. In fact, commonly held drainage philosophy encourages just the opposite pattern – streets and adjacent storm sewers typically are located in the natural headwater valleys and swales, thereby replacing natural drainage functions with a completely impervious system. As a result, runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments designed to fit site topography also minimizes the amount of grading on site.

- **Protecting natural depression storage areas.** Depressional storage areas have no surface outlet, or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by filling or draining, thereby obliterating their ability to reduce surface runoff volumes and trap pollutants. The volume and release-rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.

- **Avoiding introduction of impervious areas.** Careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways and other features producing impervious surfaces should be evaluated to minimize impacts on runoff.

- **Reducing the hydraulic connectivity of impervious surfaces.** Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as storm sewer). Two basic ways to reduce hydraulic connectivity are routing of roof runoff over lawns and reducing the use of storm sewers. Site grading should promote increasing travel time of stormwater runoff, and should help reduce concentration of runoff to a single point in the development.

- **Routing roof runoff over lawns.** Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connections of downspouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. By routing roof drains and crowning the driveway to run off to the lawn, the lawn is essentially used as a filter strip.

- **Reducing the use of storm sewers.** By reducing use of storm sewers for draining streets, parking lots, and back yards, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a "reasonable" time. The practice requires educating local citizens and public works officials, who expect runoff to disappear shortly after a rainfall event.

- **Reducing street widths.** Street widths can be reduced by either eliminating on-street parking or by reducing roadway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets which ultimately could lower maintenance.

- **Limiting sidewalks to one side of the street.** A sidewalk on one side of the street may suffice in low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials.

- **Using permeable paving materials.** These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.

- **Reducing building setbacks.** Reducing building setbacks reduces driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.

- **Constructing cluster developments.** Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings is in street length, which also will reduce costs of the development. Cluster development clusters the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

In summary, a careful consideration of the existing topography and implementation of a combination of the abovementioned techniques may avoid construction of costly stormwater control measures. Other benefits include reduced potential of downstream flooding, water quality degradation of receiving streams/water bodies and enhancement of aesthetics and reduction of development costs. Beneficial results include more stable baseflows in receiving streams, improved groundwater recharge, reduced flood flows, reduced pollutant loads, and reduced costs for conveyance and storage.

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City of Reading

Appendix F
West Nile Virus Guidance

(This source is from the Monroe County, PA Conservation District who researched the potential of West Nile Virus problems from BMPs due to a number of calls they were receiving.)

Monroe County Conservation District Guidance:
Stormwater Management and West Nile Virus
Source: Brodhead McMichaels Creeks Watershed Act 167 Stormwater Management Ordinance 2-23-2004

The Monroe County Conservation District recognizes the need to address the problem of nonpoint source pollution impacts caused by runoff from impervious surfaces. The new stormwater policy being integrated into Act 167 Stormwater Management regulations by the PA Department of Environmental Protection (DEP) will make nonpoint pollution controls an important component of all future plans and updates to existing plans. In addition, to meet postconstruction antidegradation standards under the State National Pollution Discharge Elimination System (NPDES) permitting program, applicants will be required to employ best management practices (BMPs) to address nonpoint pollution concerns.

Studies conducted throughout the United States have shown that wet basins and, in particular, constructed wetlands, are effective in traditional stormwater management areas such as channel stability and flood control, and are one of the most effective ways to remove stormwater pollutants (United States Environmental Protection Agency 1991, Center for Watershed Protection 2000). From Maryland to Oregon, studies have shown that as urbanization and impervious surface increase in a watershed, the streams in those watersheds become degraded (CWP 2000). Although there is debate over the threshold of impervious cover when degradation becomes apparent (some studies show as little as 6% while others show closer to 20%), there is agreement that impervious surfaces cause nonpoint pollution in urban and urbanizing watersheds, and that degradation is ensured if stormwater BMPs are not implemented.

Although constructed wetlands and ponds are desirable from a water quality perspective, there may be concerns about the possibility of these stormwater management structures becoming breeding grounds for mosquitoes. The Conservation District feels that although it may be a valid concern, municipalities should not adopt ordinance provisions prohibiting wet basins for stormwater management.

Mosquitoes

The questions surrounding mosquito production in wetlands and ponds have intensified in recent years by the outbreak of the mosquito-borne West Nile Virus. As is the case with all

vector-borne maladies, the life cycle of West Nile Virus is complicated, traveling from mosquito to bird, back to mosquito and then to other animals, including humans. Culex pipiens was identified as the vector species in the first documented cases from New York in 1999. This species is still considered the primary transmitter of the disease across its range. Today there are some 60 species of mosquitoes that inhabit Pennsylvania. Along with C. pipiens, three other species have been identified as vectors of West Nile Virus while four more have been identified as potential vectors.

The four known vectors in NE Pennsylvania are Culex pipiens, C. restuans, C. salinarius and Ochlerotatus japonicus. All four of these species prefer, and almost exclusively use, artificial containers (old tires, rain gutters, birdbaths, etc.) as larval habitats. In the case of C. pipiens, the most notorious of the vector mosquitoes, the dirtier the water, the better they like it. The important factor is that these species do not thrive in functioning wetlands where competition for resources and predation by larger aquatic and terrestrial organisms is high.

The remaining four species, Aedes vexans, Ochlerotatus canadensis, O. triseriatus and O. trivittatus are currently considered potential vectors due to laboratory tests (except the O. trivittatus, which did have one confirmed vector pool for West Nile Virus in Pennsylvania during 2002). All four of these species prefer vernal habitats and ponded woodland areas following heavy summer rains. These species may be the greatest threat of disease transmission around stormwater basins that pond water for more than four days. This can be mitigated, however, by establishing ecologically functioning wetlands.

Stormwater Facilities

If a stormwater wetland or pond is constructed properly and a diverse ecological community develops, mosquitoes should not become a problem. Wet basins and wetlands constructed as stormwater management facilities should be designed to attract a diverse wildlife community. If a wetland is planned, proper hydrologic soil conditions and the establishment of hydrophytic vegetation will promote the population of the wetland by amphibians and other mosquito predators. In natural wetlands, predatory insects and amphibians are effective at keeping mosquito populations in check during the larval stage of development while birds and bats prey on adult mosquitoes.

The design of a stormwater wetland must include the selection of hydrophytic plant species for their pollutant uptake capabilities and for not contributing to the potential for vector mosquito breeding. In particular, species of emergent vegetation with little submerged growth are preferable. By limiting the vegetation growing below the water surface, larvae lose protective cover and there is less chance of anaerobic conditions occurring in the water.

Stormwater ponds can be designed for multiple purposes. When incorporated into an open space design, a pond can serve as a stormwater management facility and a community amenity. Aeration fountains and stocked fish should be added to keep larval mosquito populations in check.

Publications from the PA Department of Health and the Penn State Cooperative Extension concerning West Nile Virus identify aggressive public education about the risks posed by

standing water in artificial containers (tires, trash cans, rain gutters, and bird baths) as the most effective method to control vector mosquitoes.

Conclusion

The Conservation District understands the pressure faced by municipalities when dealing with multifaceted issues such as stormwater management and encourages the incorporation of water quality management techniques into stormwater designs. As Monroe County continues to grow, conservation design, groundwater recharge and constructed wetlands and ponds should be among the preferred design options to reduce the impacts of increases in impervious surfaces. When designed and constructed appropriately, the runoff mitigation benefits to the community from these design options will far outweigh their potential to become breeding grounds for mosquitoes.

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City of Reading

Appendix G
References

BMP Manuals

California
California Stormwater BMP Handbook: New Development and Redevelopment (January 2003); separate file available at http://www.cabmphandbooks.org/Development.asp

Georgia
Georgia Stormwater Management Manual Volume 2: Technical Handbook (August 2001) separate file (http://www.georgiastormwater.com/)

Maryland
2000 Maryland Stormwater Design Manual-
http://www.mde.state.md.us/Programs/Waterprograms/SedimentandStormwater/stormwater design/index.asp

Massachusetts
Stormwater Management, Volume Two: Stormwater Technical Handbook (Massachusetts, 1997); separate file available at http://www.state.ma.us/dep/brp/stormwtr/stormpub.htm

Minnesota
Minnesota Urban Small Sites BMP Manual: Stormwater Best Management Practices for Cold Climates (July 2001); http://www.metrocouncil.org/environment/Watershed/BMP/manual.htm

New Jersey
Revised Manual for New Jersey: Best Management Practices for Control of Nonpoint Source Pollution from Stormwater (Fifth Draft May 2000);
http://www.state.nj.us/dep/watershedmgt/bmpmanual.htm

New York
New York State Stormwater Management Design Manual (2001);
http://www.dec.state.ny.us/website/dow/swmanual/swmanual.html

Pennsylvania
Pennsylvania Association of Conservation Districts, Pennsylvania Handbook of Best Management Practices for Developing Areas, November 14, 1997.

Washington
Stormwater Management Manual for Western Washington (August 2001);
http://www.ecy.wa.gov/programs/wq/stormwater/manual.html

Federal

Stormwater Best Management Practices in an Ultra-Urban Setting: Selection and Monitoring (FHWA); http://www.fhwa.dot.gov/environment/ultraurb/3fs1.htm

USEPA Infiltration Trench Fact Sheet (September 1999); http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm

Riparian Buffer References

Alliance for the Chesapeake Bay, Pennsylvania Department of Environmental Protection, September 2000. Forest Buffer Toolkit, Stream ReLeaf Program.

Penn State College of Agricultural Sciences, 1996. Establishing Vegetative Buffer Strips Along Streams to Improve Water Quality. Publication #AGRS-67.

Fike, Jean, June 1999. Terrestrial and Palustrine Plant Communities of Pennsylvania,

Pennsylvania Natural Diversity Inventory, The Nature Conservancy, Western Pennsylvania Conservancy, and Pennsylvania Department of Conservation and Natural Resources.

Pennsylvania Association of Conservation Districts, Inc., Keystone Chapter, Soil and Water Conservation Society, Pennsylvania Department of Environmental Protection, Natural Resources Conservation Service, 1998. Pennsylvania Handbook of Best Management Practices for Developing Areas. Prepared by CH2M Hill.

Palone, R. S. and A. H. Todd (eds.), 1997. Chesapeake Bay Riparian Handbook: A Guide for Establishing and Maintaining Riparian Forest Buffers. Chesapeake Bay Program and Northeastern Area State and Private Forestry. Natural Resources Conservation Service Cooperative State Research Education and Extension Services.

The Federal Interagency Stream Restoration Working Group (FISRWG, 10/1998). Stream Corridor Restoration Principles, Processes, and Practices. GPO Item No. 0120-A; SuDocs No. A57.6/2:EN3/PT.653. ISBN-0-934213-59-3. Published October 1998. Revised August 2000.

Chapter 508

STREETS AND SIDEWALKS

Part 1
Levying Special Assessments for Public Works Projects

§ 508-101. Findings and purpose.
§ 508-102. Levy of assessments.
§ 508-103. Qualified costs.
§ 508-104. Purpose for levying an assessment.
§ 508-105. Director of Public Works report.
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§ 508-108. Cost estimates.
§ 508-109. Lots already served.
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§ 508-111. Double frontage parcels.
§ 508-112. Private alleys.
§ 508-113. Appeal.
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Snow and Ice Removal

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§ 508-202. Snow and ice removal from sidewalks.
§ 508-203. Snow and ice removal from public transportation systems.
§ 508-204. Snow and ice removal from roofs.
§ 508-205. Depositing of snow and ice restricted.
§ 508-206. Noncompliance; work by City; cost recovery.
§ 508-207. Violations and penalties.

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Curb, Driveway, Sidewalk and Sidewalk Vault Standards and Fees

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§ 508-302. Street restoration fees; waiver ahead of paving.
§ 508-303. Curb construction requirements.
§ 508-304. Building line survey permit and fees.
§ 508-305. Driveway permit and fees.
§ 508-306. Sidewalk vault permit, liability agreement and fee.
§ 508-307. Constructing, repairing or opening sidewalks.
§ 508-308. Excavations.
§ 508-309. Time limit and extension request.
§ 508-310. Notice of sidewalk opening to Department of Public Works.
§ 508-311. Work to conform to City requirements and standards.
§ 508-312. Adoption of construction plan standards.
§ 508-313. Violations and penalties.

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Commercial Parking Lots

§ 508-401. Definitions.
§ 508-402. Paving, grading and drainage regulations.
§ 508-403. License required; application and fee.
§ 508-404. Operation without license prohibited.
§ 508-405. Violations and penalties.

Part 5
Sidewalks and Curbs

§ 508-501. Permit required for curb and sidewalk work.
§ 508-502. Permit application.
§ 508-503. Sidewalk widths for public streets.
§ 508-504. Specifications for paving sidewalks and for curbing.
§ 508-505. Notice to recurb and relay sidewalks.
§ 508-506. Sidewalks for dedicated streets.
§ 508-507. Paving and repair of driveways required.
§ 508-508. Duty of owner to construct and repair at own expense.
§ 508-509. Work by City for failure to comply with notice.
§ 508-510. Cost collection by action at law or filing lien.
§ 508-511. Concrete curb specifications.
§ 508-512. Curb thickness and width.
§ 508-513. Radius curbs.
§ 508-514. Projecting porches, areaways or steps; cellar doors.
§ 508-515. Openings in sidewalk to be covered or guarded.
§ 508-516. Administration; violations and penalties.

Part 6
Radii of Curblines at Street Intersections

§ 508-601. Radii established.
§ 508-602. Conformance.

Part 7
Street Cut Permits

§ 508-701. Purpose.
§ 508-702. Application.
§ 508-703. Rejection of application.
§ 508-704. Permit issuance and schedule for construction of street cuts.
§ 508-705. Charged surface.
§ 508-706. Pavement cuts on recently paved streets.
§ 508-707. Special site conditions.
§ 508-708. Inspection.
§ 508-709. Other related permits and fees.
§ 508-710. Construction standards.
§ 508-711. Comprehensive general liability and indemnification.
§ 508-712. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 4-28-2008 by Ord. No. 35-2008 (Ch. 21 of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing code — See Ch. 180, Part 10.

Property maintenance — See Ch. 180, Part 13.

Sidewalk cafes — See Ch. 479.

Subdivision and land development — See Ch. 515.

Trees — See Ch. 555.

Zoning — See Ch. 600.

STATE LAW REFERENCES

Sidewalk construction and repairs — See Third Class City Code, 53 P.S. § 38001 et seq.

Power to regulate and license commercial parking lots — See Third Class City Code, 53 P.S. § 37650.

Power to regulate projections and encroachments — See Third Class City Code, 53 P.S. § 37403(17).

Power to require sidewalk construction and repair — See Third Class City Code, 53 P.S. § 38001.

City to construct on failure of owner — See Third Class City Code, 53 P.S. § 38002 et seq.

Emergency repairs — See Third Class City Code, 53 P.S. § 38003 et seq.

Part 1
Levying Special Assessments For Public Works Projects

§ 508-101. Findings and purpose.

A. Findings. The City of Reading has determined that there is a need for a funding mechanism to install and rehabilitate City streets, sidewalks, curbs, sewers, lights, water mains and alleys. A fair and equitable means to recover the costs of public works improvements by the City using its police powers to levy special assessments.

B. Purpose. It is declared to be the purpose of this Part to establish procedures and guidelines for levying special assessments against benefitted properties for the construction of public works improvements using the City's police powers as established by state law.

§ 508-102. Levy of assessments.

Cost of installing or constructing any public work or improvement by the City may be charged under this section in whole or in part to the property benefitted by such work or improvement and the Council may make an assessment against such benefitted property in the manner provided herein.

§ 508-103. Qualified costs.

A. Cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost, interest on bonds, a reasonable charge for services of administrative staff of the City and the cost of engineering and legal services and any other terms of direct or indirect costs which may be reasonably attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the City Council.

B. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property and for those representing an exercise of police power, the assessment shall be upon a reasonable basis as determined by City Council.

§ 508-104. Purpose for levying an assessment.

A. If the City determines that a proposed public works improvement must be performed for the health, safety and welfare of the public, the City shall have the power to levy special assessments to benefitted properties for the improvements and services provided. The City shall include the proposed project in the upcoming year's annual budget and capital improvement plan. The City may not proceed with the project engineering until after the budget and capital improvement plan is approved by the Council.

B. The City may levy a special assessment for public works improvement if a simple majority of benefitted property owner's petition the City to perform a public improvement. This shall apply to streets, sidewalks, curbs, private alleys, streetlights, water mains and sewers.

C. For an alley improvement project to be included in the next budget year, the request must be submitted to the City Clerk by July 1 prior to the budget year. The alley projects shall

be prioritized with other City projects and will be the City's sole discretion to determine scheduling for such an improvement.

§ 508-105. Director of Public Works report.

The Director of Public Works report shall consist of the following:

A. A copy of the preliminary or final plans and specifications of the proposed work or improvement.

B. An estimate of the entire cost of the proposed work or improvement or the actual cost based on contracts awarded.

C. A report that itemizes the estimated special assessment levy for each benefitted property.

§ 508-106. Public hearing.

A. The City shall hold a public hearing prior to taking action on an ordinance levying the special assessment. The Director of Public Works shall present the Director of Public Works report to Council at the public hearing outlining all costs and applicable assessments.

B. Once the Director of Public Works has completed the Director of Public Works report and it is filed with the City Clerk, the Clerk shall set a hearing date. To give notice of the scheduled hearing, the Clerk shall publish in the official newspaper a notice that must contain:

(1) A statement containing the nature of the proposed work or improvement.

(2) A description of the general boundary lines of the proposed area to be assessed.

(3) The time and place where the report can be inspected and cost.

(4) The time and place at which interested parties, their agents or attorneys may appear to be heard concerning the proposed project.

C. Copy of the notice shall be mailed to every interested person whose post office address is known or can be ascertained with reasonable diligence at least 10 days prior to the hearing date. This includes all benefitted properties.

§ 508-107. Assessment ordinance.

A. After the hearing, Council may approve, disapprove or modify the Director of Public Works report. After all modifications are complete, Council will by ordinance approve the plans and specifications contained in the report and authorize the following:

(1) A direction that the public work or improvement shall be performed and special assessments shall be levied as indicated in the report or as modified after the public hearing.

(2) The number and terms of any installment payments allowed, including number of installments, interest rates and when payments are due.

(3) Provisions for collection of the assessment and any penalties to be imposed for failure to timely pay the assessment for any installment.

(4) A statement that all assessments or installments if permitted which are not paid by the date specified shall be extended on the tax roll as a delinquent tax and collected in the same manner as delinquent real estate taxes.

(5) Terms and conditions of any allowed deferral of any assessment while no use are made of the improvement being financed thereby.

B. The ordinance shall be published in the official City newspaper and mailed to each affected person whose address is known or can be ascertained with reasonable diligence.

§ 508-108. Cost estimates.

A. The Director of Public Works will determine the special assessment for each benefitting property. Costs shall be determined either by Engineer's estimate or by receiving actual bids, depending on the situation. The actual assessment levy by final ordinance of the Council shall establish maximum assessment amounts to each individual property. If actual construction costs are less, the actual assessment may be less.

B. The actual cost of any project after completion or after receipt of bids is found to vary materially from the Engineer's estimates, the Council may reopen the special assessment.

C. When an assessment is to be reopened, notice similar to the original notice must be given and a public hearing conducted. After the hearing, the Council must pass an ordinance amending, confirming or canceling the prior assessment. The ordinance must be advertised once in official City newspaper and mailed to all interested persons in the same manner as the original final ordinance.

§ 508-109. Lots already served.

A parcel of lots which has been levied a special assessment for a similar public works improvement upon which it abuts, shall be entitled to an exemption for levying of a special assessment. Council may allow such an exemption from special assessment if it has been previously installed and services the property.

§ 508-110. Corner parcels.

A. For street improvement projects, when the special assessment are determined on a front-foot basis and a corner parcel abuts the improvement, the assessment against the parcel shall be determined by applying a full per-foot assessment rate along the abutting side. When the improvement is installed abutting both the long frontage side and the short frontage side of the corner parcel, the assessment shall be determined by multiplying the full per-foot assessment rate times the sum of the frontage of the short side, plus the frontage of the long side less a deduction equal to 50 times the full per foot assessment.

B. For storm sewers, sanitary sewers and water mains, if a corner property abuts the improvement, but it cannot be connected to the main, then the property should be exempt from paying assessment. If the property will benefit from the improvement, then they shall pay an assessment, even if the property has been or will be assessed for a similar improvement on the other frontage.

§ 508-111. Double frontage parcels.

A. When a special assessments are determined on a front-foot basis and an improvement is installed along a frontage of a parcel which runs through an entire block and has frontage on two different streets or public rights-of-way and the Council, after investigation and report by the Director of Community Development, determines that under the provisions of Chapter 600, Zoning, it is possible to divide the parcel into two parcels on fronting on each street, the parcels shall be subject to an assessment for each frontage when the improvement abutting the frontage is installed. In such cases, the second assessment against such parcels shall be determined and treated as separate assessments.

B. If such parcel cannot be divided to create two parcels, there shall be no assessment for the same benefit for the same type of improvement installed abutting the second frontage.

§ 508-112. Private alleys.

A. Alley improvements may involve the removal and replacement of the roadway surface, improvement of drainage facilities and storm sewer, and the removal of trees and brush located within the easement area.

B. After the improvement is completed and the assessment is levied, adjacent homeowners shall continue to be responsible for care and maintenance of the improvement.

§ 508-113. Appeal.

Any person against where land is a special assessment is levied under this section may appeal in a manner pursuant to 53 P.S. § 1722.

§ 508-114. Waivers of notice and hearing.

The Council may, without notice or hearing, levy and assess the whole or any part of the cost of any public works improvement as a special assessment upon the property benefitted whenever notice and hearing is waived in writing by all property owners affected by such a special assessment.

§ 508-115. Definitions.

As used in this Part, certain terms are defined as follows:

ASSESSMENT LEVY — An action by City Council ordinance to establish assessments for benefitted properties and ordering the City to collect such assessments.

DIRECTOR OF PUBLIC WORKS — A professional engineer, registered in the State of Pennsylvania, who has been appointed as the Director of Public Works or the Director of Public Works authorized representative.

FRONT-FOOT ASSESSMENT — The length of a parcel of land abutting an improvement usually measured in feet or meters.

PRIVATE ALLEYS — A right-of-way legally described by an easement for the purpose of property access in the delivery of services. The property with which the easement is overlaid is owned and maintained by the adjacent property owners.

PUBLIC WORKS IMPROVEMENT — Typical improvements projects for which special assessments are levied include:

A. Street and alley construction.

B. Curb and gutter installation.

C. Sidewalk construction.

D. Sanitary sewer installation.

E. Storm sewer installation.

F. Water main installation.

G. Streetlights.

SPECIAL ASSESSMENT — Charges levied by local government against real property to defray the cost of public works improvements which benefit such property.

Part 2
Snow And Ice Removal[1]

§ 508-201. Definitions.

Except as herein otherwise defined, the terms used shall have the meanings ascribed to them in the Pennsylvania Vehicle Code.[2] For the purpose of this Part, the following definitions shall prevail:

BUSINESS DAY — Any day not a Sunday or Christmas, Thanksgiving or New Year, but all other holidays shall be considered business days.

BUSINESS HOURS — The hours between 7:00 a.m. and 9:00 p.m. on any business day.

DIRECTOR — The Director of Public Works.

PERSON — Includes any person, partnership, copartnership, corporation, joint stock company, syndicate, tenant, property owner, real and personal, occupant, lessee or agent in control of any building.

ROADWAY — That portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm shoulder.

SIDEWALK — That portion of a street or highway between the curblines and the adjacent property lines or where there is no curbing between the lateral lines of the street or highway and the adjacent property lines.

STREET or HIGHWAY — The entire width between curbs or boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the vehicular travel.

§ 508-202. Snow and ice removal from sidewalks.

A. Every person in charge or control of any building or lot of land within the City fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path of at least 36 inches in width and from an area within 36 inches of every fire hydrant on every sidewalk which is in front of or abuts on such building or lot of land; provided, however, that when such sidewalk is located along Penn Street or along North Fifth Street, North Sixth Street and North Ninth Street between Penn Street and Washington Street, snow and ice shall be cleared from all of such sidewalks.

(1) Except as provided in Subsection B hereof, snow and ice shall be so removed from sidewalks in all business districts within the City by two business hours after the cessation of any fall of snow, sleet or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter.

(2) Except as provided in Subsection B hereof, snow and ice shall be so removed from all other sidewalks within the City on the same day of the cessation of any fall of snow, sleet or freezing rain or within the first four hours of daylight after the cessation of any such fall, whichever period is longer.

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1. **Editor's Note: Ord. No. 28-2010, Adopted 6-28-2010, Repealed This Part 2 To The Extent Inconsistent With Or In Direct Contrast To The Property Maintenance Rules And Regulations, Enacted And Authorized By Ord. No. 28-2010 (Ch. 180, Part 13).**

2. **Editor's Note: See 75 Pa.C.S.A. § 101 et seq.**

B. However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in Subsection A hereof, cause enough cinder or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path in such sidewalk of at least 36 inches in width to be thoroughly cleaned.

§ 508-203. Snow and ice removal from public transportation systems.

Every person operating a public transportation system within the City employing motor buses, trackless trolleys, trains or street cars, shall remove and clear away, or cause to be removed and cleared away, snow and ice from its passenger loading and unloading areas and its tracks, if any. Snow and ice from its passenger loading and unloading areas shall be removed and cleared away within the first eight hours of daylight after the cessation of any fall of snow, sleet or freezing rain, except that if the snow and ice has become so hard that it cannot be removed without the likelihood of damage to the underlying surface, such operator shall within the eight-hour period, cause enough sand or other abrasive to be put on the passenger loading and unloading area to make walking thereon reasonably safe. He shall then, as soon thereafter as weather permits, cause such area to be thoroughly cleaned.

§ 508-204. Snow and ice removal from roofs.

Every person in charge or control of any building or other structure within the City, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on such building or other structure which is liable to fall on any sidewalk, roadway or other public way. Such work shall be completed within a reasonable time, but not later than the end of the first six hours of daylight after the cessation of any fall of snow, sleet or freezing rain.

§ 508-205. Depositing of snow and ice restricted.

No person shall deposit or cause to be deposited any snow or ice on or against a fire hydrant or on any sidewalk or roadway, or on any loading or unloading area of a public transportation system, except that snow and ice may be windrowed on public roadways, incident to the cleaning thereof or windrowed on curbs incident to the cleaning of sidewalks.

§ 508-206. Noncompliance; work by City; cost recovery.

A. In the event of the failure of any person to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk, as herein provided, or cause this to be done, the Director may as soon as practicable after such failure, cause such work to be done.

B. The Director shall ascertain and keep a record of the exact cost of all work he causes to be done in accordance with this section on account of each act or omission of each person, and he shall identify these persons with particularity.

C. Each person whose act or omission makes it necessary that the Director cause work to be done in accordance with this section shall be liable to the City for the cost of such work plus any additional amount or penalty allowed by law which may be in addition to any fine or penalty imposed under § 508-207. It shall be the duty of the City Solicitor to sue for

these costs and penalties or place a lien against such person or property as may be in the best interests of the City.

§ 508-207. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to a fine of not less than $100 nor more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Part 3
Curb, Driveway, Sidewalk And Sidewalk Vault Standards And Fees

§ 508-301. Curb permit, survey and fees.

A. Curb permit required. No person, firm or corporation shall set, reset or construct any curb until an application made on City standard form shall have been filed with the Department of Public Works, a permit issued, the required regulation (survey) completed and the following fees paid.[3]

B. Fees for curbline regulation (survey) shall be as provided in Chapter 212, Fees.[4]

C. The charges include the establishment of curbing alignment and elevation.

§ 508-302. Street restoration fees; waiver ahead of paving.

A. Street restoration fees. Along with, and in addition to, the regulation (survey) charge, the applicant shall pay a fee for each linear foot of curb proposed to be constructed or reconstructed as payment for street surface repair, as provided in Chapter 212, Fees. Where both curb and a two-foot wide gutter are being replaced with standard curb, the fee shall be per linear foot, as provided in Chapter 212, Fees. Damage to the street surface extending more than one foot into the cartway for standard curb construction, or two feet for curb and gutter replacement shall be billed to the permittee on the basis of time and material required.[5]

B. Restoration fee waiver ahead of paving. Where a street is scheduled for resurfacing or reconstruction in the current calendar year, the City may allow the contractor to backfill the trench to the street surface, including the application of two inches of compacted bituminous stockpile mix cover, and maintain it until the City operation begins, in lieu of payment of the restoration fee. To be eligible for the ahead of paving allowance, the contractor shall complete all work and remove all forms and equipment prior to the beginning of street resurfacing or reconstruction. Failure to properly maintain the trench or remove all forms and equipment as required shall be cause for the City filing street restoration charges and/or other damages against the permittee/contractor as appropriate. Permits issued to include the ahead of paving allowance will be so marked.

§ 508-303. Curb construction requirements.

A. When excavating for curb construction or replacement, the permittee shall first cut a neat and straight line in the asphalt street paving, parallel to the curbline, with a saw or jack hammer. After excavating and constructing the curb, he shall immediately backfill the trench on the street side with 2A modified stone compacted in six-inch layers to within six inches of the street surface. The trench on the property side shall also be backfilled immediately after construction but brought to grade and compacted with material similar to that removed. The permittee shall then notify the City Department of Public Works requesting inspection, and barricade the curb cut, including proper lighting, until the City restores the street asphalt surface.[6]

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3. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
4. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
5. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

B. When replacing curb constructed as monolithic curb and gutter, the contractor shall remove all curb and gutter encountered and backfill the street as described above.

C. Where the contractor encounters and damages the concrete base of a street when excavating for curb or curb and gutter construction, he shall reestablish the concrete base and/or make other repairs as directed by the Director of Public Works.

§ 508-304. Building line survey permit and fees.

A. Building line surveys. No person, firm or corporation shall erect any building, structure or fence on the building line of any street on the topographical survey of the City until an application made on City standard form shall have been filed with the Department of Public Works, a permit issued, a building line survey completed and the following fees have been paid.[7]

B. Fees for building line survey shall be as provided in Chapter 212, Fees.[8]

(1) The above charges include the establishment of building line and building line elevation.

(2) Note: The City does not establish or confirm property lines between parcels of privately owned real estate.

§ 508-305. Driveway permit and fees.

A. Driveway permit. No person, firm or corporation shall construct or reconstruct any driveway until an application made on City standard form accompanied by three copies of a detailed construction plan shall have been filed with the Department of Public Works, a permit issued and the following fees paid.[9]

B. Fees for driveway permits for the following shall be as provided in Chapter 212, Fees.[10]

(1) Fees.

(a) Residential use to 24 feet wide.

(b) Commercial/industrial use to 36 feet wide.

(c) Note: Where driveways span a property line and are intended for the joint use of two abutting properties, a permit fee shall be charged to each of the users.

(2) Reconstruction of driveways.

(a) Reconstruction of an existing driveway, no previous permits.

(b) Reconstruction of an existing driveway, previous permit on file.

§ 508-306. Sidewalk vault permit, liability agreement and fee.

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6. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

7. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

8. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

9. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

10. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

A. Vaults under sidewalks; permit and liability agreement. No person, firm, or corporation shall construct any vault, areaway; basement stairs or other structure under the sidewalk area until an application made on City standard form accompanied by two sets of construction plans shall have been filed with the Department of Public Works, a liability agreement executed, a permit issued and the following fee paid:[11]

(1) Fee for each vault, areaway, basement stairs or structure shall be as provided in Chapter 212, Fees.

B. Plans required to accompany applications shall include all dimensions and particulars of construction along with an analysis signed and sealed by a registered professional engineer, licensed in the State of Pennsylvania, confirming the bearing capacity and structural soundness of the sidewalk over the vault, areaway, basement stairs or other structure.

C. The applicant is also required to enter into an agreement with the City, as prepared by the City Solicitor, acknowledging the duties and responsibilities of the permittee. The cost of recording such agreement to be paid by the permittee.

§ 508-307. Constructing, repairing or opening sidewalks.

A. No person, firm or corporation shall construct, repair or open any sidewalk until an application made on City standard form shall have been filed with the Department of Public Works, a permit issued and the following fee has been paid:[12]

(1) Fee for reconstructing existing or constructing new sidewalk shall be as provided in Chapter 212, Fees.

B. Where in the opinion of the Director of Public Works, the existing curb does not provide adequate control to define the horizontal location or elevation of the proposed sidewalk, or on property where there is no curb available to define sidewalk construction, the applicant shall also be required to obtain a curb regulation as described in this Part.

C. Special attention is called to the Section of the Act of Assembly of May 14, 1909,[13] adopted and confirmed here, which provides as follows:

"All buildings shall be provided with proper metallic leaders for conducting water from the roofs in such manner as shall protect the walls and foundations of such building from injury. In no case shall the water from such leaders be allowed to flow upon the sidewalks, but the same shall be conducted by pipe or pipes to the storm sewer. If there is no sewer in the street upon which such building fronts, then the water from such leaders shall be conducted, by proper pipe or pipes, below the surface of the sidewalk to the street gutter."

D. The construction, and installation of all rain leaders or stormwater piping shall also comply with all requirements of the City Plumbing Code [Chapter 180, Part 10].

§ 508-308. Excavations.

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11. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

12. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

13. Editor's Note: See 53 P.S. § 4619.

A. Pennsylvania Law Act No. 172, effective June 10,1987, 73 P.S. § 176 et seq., places safety responsibilities on contractors when they excavate, demolish or blast. The City requires that its permittees comply with this Act as a condition of issuance of its permits.

B. All work shall be conducted so as not to interfere with the water mains, sewers or their connection with houses until permission from the proper authority shall have been obtained.

C. During construction, excavated material shall be so confined so as not to impede traffic or be carried into any adjacent highways, and all surplus materials must be removed at the earliest possible time.

§ 508-309. Time limit and extension request.

A. In case the work has not been completed before the date of expiration shown on the permit, the Director of Public Works may arrange to complete the work and charge the cost thereof against the permittee. If an extension of time is requested for the completion of the work, written application for an extension of time must be filed and, if an extension is granted, an additional fee of shall be charged therefor, as provided in Chapter 212, Fees.[14]

B. The Director of Public Works reserves the right to refuse the issuance of permits from November 1 to April 1, unless directed by Council to grant such permits.

§ 508-310. Notice of sidewalk opening to Department of Public Works.

A. The Department of Public Works shall be notified when an opening in the sidewalk is to be made, and shall be further notified when the opening is to be backfilled and completed so that proper orders may be issued for the inspection thereof.[15]

B. The opening shall be properly barricaded, lighted and protected by the permittee, who shall be liable for any injury or damage resulting from his negligence.

C. In case of emergency, the Department of Public Works shall be notified and work commenced immediately. The owner or responsible party shall file the necessary permit application with the Department of Public Works within 48 hours of beginning work.[16]

§ 508-311. Work to conform to City requirements and standards.

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. If at any time it shall be found by the City that the work is not being done, or has not been done as required, the permittee shall immediately take the necessary steps, at his own expense, to place the work in condition to conform to such requirements or standards. In case any dispute arises between the permittee and the City Inspector, the City Inspector shall have the authority to suspend work until the question at issue can be referred to and be decided by the Director of Public Works.

§ 508-312. Adoption of construction plan standards.

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14. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

15. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

16. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

A. The following City plans, including all drawing and written specifications contained thereon, are hereby adopted as City construction standards for the items described.

B. The City reserves the right to require that construction on public or private sidewalks within the City conform to these standards.

Description	Plan Number
Plan of drive-in across sidewalk	5371
12-inch trench drain	5371A
Side outlet area drain	5371B
8-inch tangent and circular cement concrete curb	5389A
Cement concrete sidewalk	5389C
Construct or reset granite curb	5389G
Construct or reset brick sidewalk	5389H
Pedestrian curb ramp	5442A
Pedestrian curb ramp	5442B

§ 508-313. Violations and penalties.

Any person, firm or corporation who breaks or cuts in any manner the surface of any sidewalk, removes curbing and/or sidewalk or does construction between the building and curbline of any street in the City without having first obtained the proper permit, or who violates any of the requirements of this Part, shall upon conviction of a summary offense thereof, be sentenced to pay a fine of not less than $100 and not more than $1,000 plus costs or, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day in which a violation shall occur or continue may be deemed a separate offense. In addition to the penalties provided herein, the City may recover attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated this Part or the orders, rules, regulations and permits issued hereunder. The City, at its discretion, may seek to recover any expenses it incurred to correct any violation of this Part by restitution as part of prosecution of any person, firm or corporation as a summary offense under this provision or through the commencement of the appropriate alternative legal action to recover such expenses including, but not limited to, filing of a lien.

Part 4
Commercial Parking Lots

§ 508-401. Definitions.

As used in this Part, certain terms are defined as follows:

COMMERCIAL PARKING LOT — Sometimes referred to hereinafter as an "off-street parking facility," means an area of vacant land set aside or used for off-street parking of automobiles or other vehicles on any time basis for which a fee is charged by the owner or operator to the users of such facility.

OWNER — The owner of the land on which the off-street parking facility is located.

OPERATOR — Such person, firm, corporation, partnership or any business or other entity, whether as lessee or owner, who lets or rents an off-street parking facility on a time basis and for a fee.

PERMANENT USE — Any use as a commercial parking lot for more than one year.

TEMPORARY USE — Any use as a commercial parking lot for one year or less.

§ 508-402. Paving, grading and drainage regulations.

A. All permanent commercial parking lots shall be paved with concrete or bituminous surface course or other hard surface in accordance with plans to be approved by the Director of Public Works so as to prevent dust and dirt to the greatest possible extent.

B. All temporary commercial parking lots shall be paved with crushed stone, slag or other semipermanent surface of a similar nature in accordance with plans to be approved by the Director of Public Works.

C. All commercial parking lots shall be so graded and provided with such drains or gutters as shall prevent the accumulation and retention of surface water thereon, and such drains or gutters shall be installed in accordance with plans to be approved by the Plumbing Inspector.

§ 508-403. License required; application and fee.

A. On or after the effective date of this Part, all commercial parking lots shall be required to be licensed by the City, except any commercial parking lot owned and operated by the City. The annual fee for such license shall be per space with a minimum fee, as provided in Chapter 212, Fees. Licenses shall be obtained at the office of the Building Inspector.[17]

B. There shall be two categories of licenses for commercial parking lots; permanent and temporary, in accordance with the character of the off-street parking facility. No license for a permanent commercial parking lot shall be granted unless the provisions of § 508-402A and C have been complied with. No license for a temporary commercial parking lot shall be granted unless the provisions of § 508-402B and C have been complied with. Temporary licenses shall not be renewable unless the owner or operator can show that the denial thereof would create an unnecessary economic hardship.

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17. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

C. All applications for licenses shall be addressed to the Building Inspector; shall state the nature of the license sought; shall contain the location of the off-street parking facility, the approximate area thereof, the number of automobiles or other vehicles that can be parked or accommodated; and the nature and kind of surfacing on the premises.

§ 508-404. Operation without license prohibited.

A. Any person who operates, or any owner or lessee of land, whether it be an individual, partnership or corporation, who permits land owned or leased by it to be operated as a commercial parking lot, within the definition of this Part, without first having obtained the license required under § 508-404 shall be deemed guilty of a violation of this Part.

B. Each day of such continued operation without such license shall be deemed and regarded as a separate and distinct violation of this Part.

§ 508-405. Violations and penalties.

Whoever operates a commercial parking lot, without first having obtained a license, as provided in this Part, on or after March 1, 1968, and whoever violates or fails to comply with the provisions of this Part shall be, upon conviction thereof, sentenced to a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, shall be imprisoned for not more than 30 days.

Part 5
Sidewalks And Curbs

§ 508-501. Permit required for curb and sidewalk work.

No person, firm or corporation shall set any curbing, set any building, open any sidewalk, lay new sidewalk or relay old sidewalk or construct any vault under a sidewalk, until a permit has been obtained from the Director of the Department of Public Works or his/her designee. The Director or his/her designee is authorized and directed to establish such rules and regulations, as s/he deems necessary, for the proper control of the operations permitted relative to the issuance of such permit, subject to the approval of Council.

§ 508-502. Permit application.

Any applicant for a curb and sidewalk work permit shall first make written application to the Director of Public Works or his/her designee for a permit, setting forth the location where such work is desired and the purpose thereof.

§ 508-503. Sidewalk widths for public streets.

A. When any street or alley which now or hereafter is laid out, opened and dedicated to the public use, according to law in the City, it shall be the duty of the owners of lots or real estate abutting thereon, and they are hereby required upon notice from the Director of Public Works to construct sidewalks on each side of such street or alley, at their own expense, for the safety and convenience of the public, of the following width:

Street Name or Width (feet)	Sidewalk Width (feet)
Penn Street from Fourth Street to Sixth Street	22
80	16
60	13
50	10
40	8
30	6.5
20	2

B. The roadway of every street or alley shall remain as a passageway for vehicles and shall have a gutter on each side thereof. However, on front of vacant lots, a sidewalk of a width of five feet shall be deemed sufficient, which sidewalk shall be laid two feet from the curbline.

§ 508-504. Specifications for paving sidewalks and for curbing.

Sidewalks shall be constructed and laid either with cement, bricks or dressed flat stones, and shall be secured with curbstones along the outside thereof, in a manner as hereinafter prescribed, and according to the regulations of the City, sidewalks shall have a pitch of 3/8 of an inch to the foot, from the front line of the house or lot to the curb, and the cement bricks or flatstone used

for laying or paving any sidewalk shall not be less than two inches in thickness. The flat stone shall be square blocks with an even surface on the top and closely joined to the curbs and to each other. The curbstones required to support such sidewalks shall be cut granite, sand, blue or limestones, and shall not be less than 20 inches in width, with an even bottom. Each stone shall be not less than three feet six inches in length, and the thickness thereof shall be not less than four inches. In streets of a width of 20 feet and less, curbstones 16 inches in width and three inches in thickness may be used. Sidewalks shall be laid in good sand of not less than eight inches in depth and shall be excavated and filled with cinder to a depth sufficient to protect the same from frost. In all cases where the street pavement is constructed and composed of the following improved street pavements: granite block, asphalt block, sheet asphalt and vitrified brick, the curbing used in and along all of such properties abutting on such improved pavements shall consist of granite curbing of not less than five inches, 20 inches in depth and four feet in length. The curbing shall be properly faced and jointed, set in a firm bed of not less than six inches of sand, gravel or such material as the Director of Public Works shall approve and backed up to the top of the stone by not less than four inches of the same material, except that the use of concrete is permitted in lieu of granite for the construction of curbs set to the lines of circular arcs for the rounding of street intersections as provided by § 508-513A.

§ 508-505. Notice to recurb and relay sidewalks.

It shall be the duty of the owners of lots or real estate abutting any street or alley to recurb, repave or relay the sidewalks whenever authorized by Council or when required upon notice from the Director of Public Works or his/her designee.

§ 508-506. Sidewalks for dedicated streets.

When any street which now or hereafter is opened in the City over any private land by the owners thereof, and is dedicated to or permitted to be used by the public, it shall be the duty of the owners of lots or real estate abutting thereon, and they are hereby required upon notice to construct and maintain sidewalks on each side of such street at their own expense, in such manner as is prescribed for sidewalks upon the public streets by § 508-503 under the supervision and direction of the Director of Public Works.

§ 508-507. Paving and repair of driveways required.

When any driveway crosses the sidewalk of any street or alley within the City for the purpose of passing to and from such street or alley to any lot or building, it shall be the duty, and it is hereby required, upon notice from the Director of Public Works, that the owners of lots abutting or adjoining such street shall pave and curb the same, at their own expense, in such manner as the Director shall require, and keep the same in repair.

§ 508-508. Duty of owner to construct and repair at own expense.

A. Owners of property abutting on any public street shall, at their own expense, construct, pave, curb, repave and recurb the sidewalks on such property.

B. Owners of property abutting on any public street shall, at their own expense, keep sidewalks along such property in proper good repair in accordance with City standards and maintained free from hazardous conditions.

§ 508-509. Work by City for failure to comply with notice.

Upon failure of any owner(s) to construct, pave, curb, repave or recurb sidewalks, keep the same in good repair and maintain free from hazardous conditions within 10 days after written notice by the Director of the Department of Public Works or his/her designee the work may be done forthwith by the City of Reading, and the expense thereof, with costs, shall be levied and collected from such owners according to law. Nothing in this section shall preclude the Director of the Department of Public Works or his/her designee from undertaking enforcement of this Part as provided for in § 508-516.

§ 508-510. Cost collection by action at law or filing lien.

The amount of expense so levied shall be a lien upon such premises from the time of the commencement of the work by the City. Such date shall be fixed by the Director of Public Works and filed with the City Clerk, and may be collected by action at law or a lien may be filed and proceeded in according to law. Nothing in this section shall preclude the Director of the Department of Public Works or his/her designee from seeking recover of expenses incurred to construct, pave, curb, repave, recurb, restore to good repair or remove hazardous condition as restitution through enforcement of this Part as provided for in § 508-516.

§ 508-511. Concrete curb specifications.

Concrete curbing shall be permitted to be constructed along the sidewalks of the City and the material used in such construction shall be as follows:

A. Excavations shall first be made to a depth not less than two feet six inches from the top of the finished curb and in width not less than 14 times the width of the curb on the top surface thereof, when finished.

B. The materials thereof, which shall be of a quality satisfactory to the Director of Public Works, shall consist of American Portland cement, clean sharp sand, and crushed stone or slag which shall be hard, clean and free from dust or earth, run of the crusher, not exceeding one inch in its largest dimension.[18]

C. The proportions of mixture for concrete shall not be less than one part of cement, three parts of sand and five parts of crushed stone or hard slag and for mortar for the finishing coat, not less than one part of cement and no more than two parts of sand.

D. The mixing, if done by hand labor, shall consist of first mixing the cement and sand dry until a uniform color of mixture is secured, after which the crusher stone shall be added, then wetted and turned over until every particle is thoroughly coated with mortar. Sufficient water shall be used so that only moderate tamping is required after the concrete is placed. If done by machine, the method shall be approved by the Director of Public Works.

E. The mortar for the surface or finishing coat shall be applied with the concrete itself by exercising care in placing the concrete against the forms employed so as to push back the larger particles in the mixture by use of a wide pronged fork, and by tamping the large particles down gently below the top surface. Any small quantity of mortar that may be required for the finishing shall be applied while the concrete is wet and only enough to smooth the surface.

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18. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 508-512. Curb thickness and width.

No concrete curbing shall be less than eight inches on the top thereof, nor the thickness from the bottom of excavation to the grade line of the street less than nine inches, where the top does not exceed eight inches. It is the intent and meaning of this section that the thickness of the concrete shall in all cases be determined by the width of the top of the curb when finished, and that the bottom of excavation to the grade line of the street, it shall not be less than 1 1/4 times that of the top of curb as aforesaid.

§ 508-513. Radius curbs.

A. All new curbs set and all curbs reset at intersections or projecting angles of streets shall be set or reset to the lines of circular arc, tangent to curblines, of the greatest radii possible that will not reduce the width of the sidewalk at any point to less than that of the sidewalks of the lesser widths. The curb opposite the projecting angle shall have a circular arc tangent to curblines of the greatest radius possible, that will not reduce the width of the roadway at any point to less than that of the roadway of lesser width.

B. The radii of all curbs reset at intersections of streets where traffic regulations not permit vehicular traffic to turn corners, shall be determined by the Director of the Department of Public Works with the approval of the Director of Public Works. This subsection shall apply only as long as traffic regulations do not permit such vehicular traffic turns; otherwise, Subsection Ahereof shall apply and shall remain in full force and effect.

§ 508-514. Projecting porches, areaways or steps; cellar doors.

A. No person, firm or corporation shall make or set up or cause to be made or set up or reset on Penn Street, any porch, areaway or step, which shall extend beyond the building line as fixed by the topographical survey of the City of Reading.

B. No person, firm or corporation shall make and set up or cause to be made or set up or reset areaways extending beyond the building line of Walnut Street, Washington Street, Penn Street, Franklin Street and Chestnut Street from Front Street to Eleventh Street and on Front, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Streets from Chestnut Street to Walnut Street in the City as fixed by the topographical survey of the City of Reading.

C. It shall be unlawful to erect, reset, repair, use and maintain cellar doors extending beyond the building line of Walnut Street, Washington Street, Penn Street, Franklin Street and Chestnut Street from Front Street to Eleventh Street, and on Front, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Streets from Chestnut Street to Walnut Street in the City of Reading, until a permit for such cellar door has first been obtained from the Department of Public Works subject to the following limitations, restrictions and conditions, which shall be prescribed by the Director of Public Works:

(1) No permit will be issued for the setting, resetting or repairing of any cellar door on the above-listed streets until there has been executed a vault or areaway agreement covering the vault or passageway under the sidewalk leading to such cellar door.

(2) No permit will be issued for the setting, resetting or repair of any cellar door on the above listed streets until the property owner files with the City Clerk a public liability

bond of $10,000 to $20,000 limit, naming the City as a party assured. Such bond shall be kept in force as long as the cellar door remains in existence.

(3) Plans of proposed construction shall be submitted by the property owner, showing location and type of construction of vaults and cellar doors, which shall be approved by the Director of the Department of Public Works prior to the issuance of any permit for such work.[19]

(4) Not more than one cellar door for each property shall be permitted on sidewalks of the above listed streets.

(5) All cellar doors shall be of steel, no larger than four feet by five feet, flush with sidewalk grade and have no projections or depressions beyond the uniform grade of sidewalk, except those necessary to produce a nonskid surface. They shall be arranged so they can be opened and closed only from the outside or sidewalk area, and shall be provided with approved guards to protect pedestrians during the entire period the doors are not firmly closed.

(6) The nearest edge of new cellar door construction shall be at least three feet from the center line of any fire hydrant and at least three feet from the building line of any intersecting street.

(7) Cellar doors and vault covers shall be designed for a concentrated live load of 800 pounds or for a uniform distributed live load of 250 pounds per square foot over the entire area, whichever produces the greatest stress. Top slabs shall be of a minimum thickness of six inches of reinforced concrete, even though a more shallow depth will resist the design stresses.

(8) Repairs to existing cellarways or sidewalks of the above listed streets may be made by installing new steel cellar door frames and doors at present locations.

(9) The use of cellar doors at all times shall be subject to regulations by the Department of Police.

§ 508-515. Openings in sidewalk to be covered or guarded.

All owners or property which have an underground alley or open passageway occupying a portion of the City sidewalks shall have the same protected or guarded by a covering of substantial material, or guarded in order to avoid danger likely to arise by reason of such openings being unguarded.

§ 508-516. Administration; violations and penalties.

A. Regulations. The Director of the Department of Public Works may promulgate such regulations as are necessary for the proper administration and enforcement of this Part. The City may change, modify, repeal or amend any portion of said regulations at any time.

B. Enforcement. The authority of enforcement of this Part is under the jurisdiction of the City of Reading Department of Public Works. The Department of Public Works is hereby

19. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

authorized to share enforcement of this provision with the Codes Enforcement Division as needed.

C. Prosecution of violations. Any person who shall violate a provision of this Part, or who shall fail to comply with any of the requirements thereof or any notice to correct shall, upon conviction be guilty of a summary offense before any Magisterial District Judge. Such offense shall be one of strict liability. As part of the prosecution of such offense, the enforcing authority may seek as restitution any funds incurred by the City of Reading to correct a violation. Each day that a violation continues shall be deemed a separate offense. In addition, if the notice to construct, pave, curb, repave, recurb, keep in good repair or remove hazardous conditions is not complied within the time given, the authority with enforcement power shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation. Nothing in this section shall preclude the City of Reading from charging against the property abutting the sidewalk by placement of lien thereon for any costs incurred by the City to correct such offense.

D. Penalties.

(1) Any person who shall violate any provision of this Part shall, upon conviction, be sentenced to pay a fine of not less than $100 and not more than $1,000, plus costs, or in default of payment of said fine and costs, to imprisonment for a term of not to exceed 90 days.

(2) Any person who violates any provision of § 508-514 shall, upon conviction, be sentenced to pay a fine of not less than $250 and not more than $1,000, plus costs, or in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Further, any such person shall forthwith remove or cause to be removed violation of § 508-514.

Part 6
Radii Of Curblines At Street Intersections

§ 508-601. Radii established.

A. The following radii be established for intersections of curblines to minimize danger and avert congestion of traffic.

B. The radii of the circular areas of curblines connecting the adjoining straight or tangent curblines at points of projected intersection, in all cases, shall be those of tract circles and the lengths of such radii to be governed as follows:

(1) Curblines which intersect at an angle of 90° or right angle and which are:

(a) Adjacent to sidewalks, either of which is greater than 10 feet in width, shall be joined at such intersection by a circular arc, the radius of which shall be eight feet.

(b) Adjacent to sidewalks which are between 6 1/2 feet and 10 feet, inclusive, in width, shall be joined at such intersection by a circular arc, the radius of which shall be six feet.

(c) Adjacent to sidewalks which are between two feet and 6 1/2 feet, inclusive, in width, shall be joined at such intersection by a circular arc the radius of which shall be three feet.

(2) Curblines which intersect at an angle other than 90° or a right angle shall be joined at such intersection by simple circular arcs the radius of which shall be determined as described on Plan No. C-77 of the Department of Public Works of the City of Reading, entitled "Plan Illustrating Rule for Determining Curb Radii," dated April 1916, which shall be on file in the office of the Director of Public Works.

§ 508-602. Conformance.

From and after the passage of this Part, all new curbs set and all curbs reset shall conform to said radii.

Part 7
Street Cut Permits

[Amended 8-26-2013 By Ord. No. 35-2013; 10-28-2013 By Ord. No. 53-2013; 12-9-2013 By Ord. No. 74-2013]

§ 508-701. Purpose.

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 Part 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. [Amended 7-27-2015 by Ord. No. 40-2015]

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. It shall be the duty of the party applying for the permit to restore to good order and repair in accordance with the City of Reading's specifications. 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. Permittees 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 except as noted in §§ 508-706 and 508-709C. Refer to § 508-706, Pavement cuts on recently paved streets, for premature degradation charges that will apply to cuts made on recently paved streets, and § 508-709C for permanent pavement restoration made ahead of paving in coordination with the City.

D. Detailed plan of the work. The applicant shall furnish a scale plan which shall accompany the application showing the extent and nature of the planned work at each street cut location within the right-of-way. The plan shall set forth, but is not limited to:

   (1) The purpose for which the excavation is to be made;

   (2) The dimensions and location of the proposed excavation including the nearest cross streets where the excavation or street opening is considered;

   (3) The full scope of work to be included in the project;

   (4) The date or dates during which the requested excavation is to be permitted;

(5) The date such excavation is to be refilled and resurfaced in the manner hereinafter provided; and

(6) A traffic impact plan (TIP). As specified in § 508-709, a TIP shall be submitted with any permit application for all proposed work that is to be conducted on a City roadway.

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 nonutility applicant.

F. Guaranty of work.

(1) The permittee shall guarantee and maintain the street cut, excavation, and any related work for 24 months from the completion of the City-approved final restoration. Within this twenty-four-month period, the permittee shall correct or cause to be corrected all restoration work in the manner determined necessary by the Public Works Director within five calendar days of receipt of the notification. Failure to perform within the five calendar days may be completed by the City and invoiced to the permittee for all costs incurred in performance of the work. Payment not made within 30 days of the invoice date will be enforceable against the posted bond, including any fees and costs involved in the collection thereof.

(2) Each street cut will require a bond signed 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 24 months 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 Part 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 Director of Public Works 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 Part. 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.

H. Display of permits and signage at work site. Unless otherwise authorized, permit(s) shall be kept at the work site for the duration of the project and made available for inspection upon request of any duly authorized City official. Such permits cannot be affixed to any temporary structure including fences, containers, or construction equipment.

I. Revocation of permit. All street cut or excavation permits are subject to revocation at any time by the Department of Public Works upon written notice served to whom the permit was granted, their agent, or employee. Such notice shall contain a brief statement detailing the revocation and be issued for failure to cure within three days:

(1) A violation of any condition of the permit.

(2) A violation of this section or any other applicable City of Reading ordinance relating to the work.

(3) The creation or failure to eliminate a condition or action that constitutes a violation of applicable Americans with Disabilities Act compliance guidelines, or endangers the lives, property, or welfare of City residents. **[Amended 11-23-2015 by Ord. No. 77-2015]**

§ 508-703. Rejection of application. [Amended 7-27-2015 by Ord. No. 40-2015; 9-28-2015 by Ord. No. 51-2015; 11-23-2015 by Ord. No. 77-2015]

Street cut permits shall not be issued to any person, firm or corporation indebted to the City due to a previously issued permit. The Public Works Director, or his designee, shall review nonemergency applications anticipated to commence after September of the calendar year. The Public Works Director, or his designee, may permit the project to begin contingent upon the review of several factors, including but not limited to final restoration date, size of the cut, use of steel plates, and scope of the project, however, no nonemergency projects shall begin in November, December, or January of a given year, unless a special exception is granted by the Public Works Director.

§ 508-704. Permit issuance and schedule for construction of street cuts. [Amended 7-27-2015 by Ord. No. 40-2015]

Permit applications shall be submitted not less than 30 days prior to the start of the proposed street cut work, and construction work must commence within 15 calendar days of approval; failure to do so may result in permit revocation, or require the submission of a new application. 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 four months. If deemed necessary, permit time extensions may be granted as specified in § 508-709, Other related permits and fees.

§ 508-705. Charged surface. [Amended 7-27-2015 by Ord. No. 40-2015]

In computing the surface area of the permanent pavement restoration surface to be charged, for small single cuts, 12 inches shall be added to all sides of the proposed cut. For large street cuts [per § 508-707B(1)], the charged surface shall include the combined area of each trench plus, as a separate fee, the area of milling and overlay required to restore the overlying surface. For applicants where the large cuts are coordinated with the City for ahead of paving permits, see § 508-709C. 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. [Amended 7-27-2015 by Ord. No. 40-2015]

Street cuts on recently paved streets are subject to charges to recover the premature degradation caused by the work. The premature degradation fee for pavement cuts on streets paved within 10 years from the date of the application shall be based on the permanent pavement restoration rate specified in Chapter 212, Fees, as follows: 100% of the restoration fee for the current year through the fifth year, and 80% of the restoration fee for years six through 10. The

premature degradation fee applies to all permittees under these conditions whether they provide the pavement restoration or the City provides the restoration.

§ 508-707. Special site conditions. [Amended 7-27-2015 by Ord. No. 40-2015]

A. Where, in the opinion of the Director of Public Works 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.

B. 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:

(1) Large cuts.

(a) 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 one-hundred-foot-long section of street and the total area of the cuts is equal to or greater than 40.0 square feet. (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 the area of a single cut is equal to or greater than 40.0 square feet.

(b) The additional restoration for these cuts shall comply with the City's standard engineering drawings and specifications for large street cut restoration which shall include milling and overlaying of the wearing surface of the entire lane(s) between the curb and the street center line within the area bounded by the cut(s).

(2) Curb ramps.

(a) For conditions where the permittee proposes an alteration to a street crosswalk or other crosswalk within the City's rights-of-way and where the existing curb ramps at that crosswalk do not meet the current requirements of the Americans with Disabilities Act (ADA), the permittee will be required to upgrade the crosswalk to meet current ADA standards including curb ramps for that crosswalk. Crosswalk and pedestrian access route alterations, as defined by the ADA and PennDOT, shall include any project that will affect or could affect the accessibility or use of the accessible route. Alteration projects that meet these conditions shall be determined by the Director of Public Works on a case-by-case basis and shall follow the latest PennDOT guidance, including Publication 13M, Chapter 6. City crosswalks are located at all street intersections whether or not crosswalk markings are present. Crosswalks are also located along sidewalks where the sidewalks cross alleys and driveways. For crosswalks

that are not marked, the crosswalk area within a street intersection is the area delineated by the outside curb radii and the lines drawn across the streets that connect the termini of the curb radii, excluding the area of the interior rectangle. The interior rectangle is formed by projecting the curblines into the intersection and the rectangle is defined by the corners of the intersecting projected curblines. Unmarked crosswalks include the area that is defined by the projection of the sidewalk across the street, alley or driveway. For street cuts proposed under these conditions the permittee will be required to construct or reconstruct curb ramps at the crosswalk to meet the current ADA and PennDOT 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 noncompliance with ADA.

[2] Curb ramp designs for construction of each new and noncompliant curb ramp. The curb ramp designs must comply with the most current applicable PennDOT 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 PennDOT 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 Director of Public Works.

(b) Ramp designs will be reviewed by the Director of Public Works for approval prior to issuance of the permit. For projects that involve state and/or federal funding, additional PennDOT approval shall be required.

(c) 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.

(3) Steel plates. When a temporary surface is required the temporary installation and maintenance thereof shall be the responsibility of the permittee until the permanent surface is completed and accepted. **[Amended 11-23-2015 by Ord. No. 77-2015]**

(a) Steel plates shall only be used to secure open excavations when the permittee is unable to backfill the same day excavation occurs and may be utilized as permitted by the City. In the event steel plates must be left unattended for a period exceeding 20 business days without prior approval, the permittee is required to notify the City of Reading Public Works Department the reason(s) and necessity of the plate(s), as well as the estimated time before resuming their work. Failure to provide notice, remove the plates, resume or complete

excavation constitutes a violation of this Part and the appropriate fine shall be levied.

(b) All steel plates shall be properly marked with the utility and contractor name, and a twenty-four-hour contact phone number in the event of a disturbance. Additionally, the steel plates shall be of sufficient thickness to resist bending and vibration under traffic loads and shall be anchored securely to prevent movement. If these conditions are not met, the permittee shall be required to backfill, pave the excavation, or use alternative methods sufficient to remedy the disruption.

(c) (Reserved)

(d) The plates shall be secured to prevent any lateral movement. If movement occurs, the permittee will be notified to resecure plating immediately; otherwise the permittee shall be charged 115% of the cost incurred by the City to secure the permittee's plates.

(e) All plated locations must utilize traffic control devices as defined to include signs, signals, or markings generally used to warn or guide vehicular traffic through streets, highways, or private roads open to public travel as regulated by the Manual on Uniform Traffic Control Devices (MUTCD).

§ 508-708. Inspection.

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. [Amended 7-27-2015 by Ord. No. 40-2015]

A separate permit shall be issued for each individual street cut. In addition to the street cuts previously described, street cut permits will be issued for the following:

A. Bore holes. Bore holes are small auger-drilled excavations, up to eight inches in diameter and no deeper than 18 inches, 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 nondestructive excavation methods. Nondestructive excavation shall be limited to methods that use pressurized air and vacuum systems to excavate borings, up to four square feet in area, for visual examination of underground utilities and other subsurface conditions. Nondestructive methods other than air-vacuum systems must be approved in writing by the Director of Public Works 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. Within two hours of commencing an emergency cut or excavation, the City's Police Department shall be notified 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.

(1) A permittee shall perform emergency work until the emergency is eliminated, unless otherwise directed by the City.

(2) Once obtained, the emergency permit shall be kept on site and presented upon the request of any City official authorized to enforce this Part.

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. Temporary and permanent trench restoration will be performed by the permittee at his/her cost and in accordance with the schedule as directed by the Director of Public Works. The permanent pavement surface restoration will be coordinated with the Director of Public Works. The fee charged for this restoration shall be determined by applying typical costs for this construction work applied to the charged surface per § 508-705.

D. Traffic impact plan (TIP). The TIP shall detail the method by which vehicular and pedestrian traffic will be affected and controlled during a permitted project. The TIP shall also include any barricades, signs, lights or other approved safety devices necessary to facilitate a closure and where the work results in closing or diverting traffic into another lane, a flag person shall at all times be posted while the work is actively being performed. For street closures within the City that also require PennDOT permits, the application must include a copy of the state-issued permit and comply with all traffic control standards. In residential districts zoned R1, the Public Works Director may waive the requirement for a TIP; however, all other traffic control regulations are enforced.

E. 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 Director of Public Works 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. Any permittee that fails to request and receive an extension for permitted work and continues to work shall be in violation of this section.

§ 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 show 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, curblines, sidewalks, traffic control loops, and similar features in both plan and cross-section view. Upon completion of work, the permittee shall furnish to the Director of Public Works 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 curblines. The standard of accuracy for the drawings shall be: **[Amended 7-27-2015 by Ord. No. 40-2015]**

(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.

(1) Pennsylvania law (Act No. 187, as amended)[20] 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.

(2) 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.

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20. Editor's Note: See 73 P.S. § 177.

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 three months nor more than six 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.

H. 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 in accordance with the City of Reading engineering standard drawings and specifications. 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 Director of Public Works for resolution. **[Amended 7-27-2015 by Ord. No. 40-2015]**

§ 508-711. Comprehensive general liability and indemnification. [Added 7-27-2015 by Ord. No. 40-2015[21]]

The applicant for a street cut or excavation permit shall provide a certificate of insurance with general liability coverage, including any liability normally covered by a general liability policy with limits of not less than $1,000,000 per occurrence and $2,000,000 in the annual aggregate. Prior to commencement of the performance of the excavation, contractor shall furnish to the City a certificate of insurance evidencing required coverage in at least the limits required herein, naming the City of Reading, its elected officials, agents, and employees as additional insured for "ongoing operations" and "products and completed operations." Moreover, the applicant agrees, as a condition governing the issuance of permit, that they shall hold harmless the City of Reading, its elected officials, agents, and employees from any and all claims and actions whatsoever arising under the execution of said permit.

§ 508-712. Violations and penalties. [Amended 7-27-2015 by Ord. No. 40-2015]

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 Part shall, upon conviction before Magisterial District Judge, be sentenced to

21. Editor's Note: This ordinance also redesignated former § 508-711, Violations and penalties, as § 508-712.

pay a fine not exceeding $300 for an initial offense and not to exceed $1,000 for subsequent violations, 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 Part, shall be imprisoned in the Berks County Prison for a period not exceeding 90 days.

Chapter 515

SUBDIVISION AND LAND DEVELOPMENT

Part 1
General Provisions

§ 515-101. Short title.
§ 515-102. Policy.
§ 515-103. Purposes.
§ 515-104. Authority for adoption.
§ 515-105. Jurisdiction and application.
§ 515-106. Interpretation and conflict.
§ 515-107. Municipal liability.

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[HISTORY: Adopted by the City Council of the City of Reading 10-12-1977 by Ord. No. 39-1977 (Ch. 22 of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

Fees — See Ch. 212.

Shade trees — See Ch. 555, Part 1.

Streets and sidewalks — See Ch. 508.

Zoning — See Ch. 600.

STATE LAW REFERENCES

Municipalities Planning Code (MPC) — See 53 P.S. § 10101 et seq.

Subdivision and land development provisions, MPC — See 53 P.S. § 10501 et seq.

State penalties — See 53 P.S. § 10515.3.

Requirements to revise official plans — See 25 Pa. Code § 71.11 et seq.

Sewage disposal facility standards — See 25 Pa. Code Ch. 73.

Erosion control — See 25 Pa. Code Ch. 102.

Part 1
General Provisions

§ 515-101. Short title.

This chapter shall be known as the "Subdivision and Land Development Ordinance of the City of Reading."

§ 515-102. Policy.

A. It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the Official Master Plan of the City for the orderly, planned, efficient and economical development of the City.

B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage and capital improvements such as schools, parks, recreational facilities and transportation facilities.

C. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Master Plan, Official Map and the Capital Budget and Program of the City, and it is intended that this chapter shall supplement and facilitate the enforcement of the provisions and standards contained in the Building and Housing Codes (Chapter 180), Chapter 600, Zoning, the Master Plan, Official Map and Land Use Plan and the Capital Budget and Program of the City.

§ 515-103. Purposes.

This chapter is adopted for the following purposes.

A. To protect and provide for the public health, safety and general welfare of the City.

B. To guide the future growth and development of the City in accordance with the Official Master Plan.

C. To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.

D. To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the City.

E. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.

G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of vehicular and pedestrian traffic throughout the City, having particular regard

to the avoidance of congestion in the streets and highways, and to provide for the proper location and width of streets and building lines.

H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of the land and to ensure proper legal descriptions and monumenting of subdivided land.

I. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

J. To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability and beauty of the community and the value of the land.

K. To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.

L. To provide for adequate open spaces through the most efficient design and layout of the land.

M. To regulate the subdivision and/or development of land within any designated floodplain district in order to promote the general health, welfare and safety of the community. **[Amended 9-20-1978 by Ord. No. 35-1978]**

N. To require that each subdivision lot in flood-prone areas be provided with a safe building site with adequate access and that public facilities which serve such uses be designed, and installed at the time of initial construction, to preclude flooding. **[Amended 9-20-1978 by Ord. No. 35-1978]**

O. To protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision and/or development of unprotected lands within the designated floodplain districts. **[Amended 9-20-1978 by Ord. No. 35-1978]**

§ 515-104. Authority for adoption.

A. By authority of the Pennsylvania Municipalities Planning Code[1] (Act 247-1968, as amended by Act 93-1972), and other applicable laws, statutes and regulations of the State of Pennsylvania, Council hereby delegates the Planning Commission as its agent to administer and enforce this chapter.

B. This chapter, as adopted by resolution of the Planning Commission under the foregoing authority and as adopted by Council, shall remain in effect until modified, amended or rescinded by Council.

§ 515-105. Jurisdiction and application.

A. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of a valid police power delegated by the state to this City. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for the design, dedication, improvement and restrictive use of the land so as

1. **Editor's Note: See 53 P.S. § 10101 et seq.**

to conform to the Master Plan and the various ordinances and regulations adopted by the City for the orderly and beneficial development of the City. The developer has a further responsibility to protect and provide for the safety and general welfare of the future plot owners in the subdivision and of the community at large.

B. This chapter shall apply to all subdivisions of land, as defined herein, located wholly or partially within the corporate limits of the City of Reading.

C. This chapter shall also apply to all resubdivisions. For any change in a map of a previously approved or recorded subdivision plat, if such change affects any street layout shown on such map or area reserved thereon for public use or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission by the same procedure, rules and regulations as for a subdivision.

D. This chapter shall not apply to any lot or lots forming a part of a subdivision or resubdivision created and recorded prior to the effective date of this chapter.

E. No land shall be subdivided, resubdivided or developed, as defined herein, within the corporate limits of the City until:

(1) The subdivider, developer or his agent shall submit a sketch plan of the parcel(s) to the Planning Commission through the Planning Division of the Community Development Department. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(2) The subdivider, developer or his agent shall obtain approval of the preliminary and/or final plan itself by the Planning Commission.

(3) An approved final plan is filed with the County Recorder of Deeds.

F. No building permit or certificate of occupancy shall be issued for any parcel or plot of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of this chapter, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with this chapter.

G. This chapter supersedes any ordinances currently in effect in flood areas. However, any other applicable ordinances shall remain in full force and effect to the extent that those provisions are more restrictive. **[Amended 9-20-1978 by Ord. No. 35-1978]**

§ 515-106. Interpretation and conflict. [Amended 9-20-1978 by Ord. No. 35-1978]

A. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

B. Conflict with public and private provisions.

(1) Public provisions. The regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other provision of this chapter or any other ordinance, rule or regulation, or other

provision of law, whichever provision is more restrictive or imposes higher standards shall control.

(2) Private provisions. This chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that, where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this chapter shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than either the requirements of this chapter or the determinations of the Planning Commission or the City in approving a subdivision or in enforcing this chapter, and such private provisions are not inconsistent with this chapter or determinations thereunder, then such private provisions shall be operative and supplemental to this chapter and determinations made thereunder.

§ 515-107. Municipal liability. [Added 9-20-1978 by Ord. No. 35-1978]

The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any designated floodplain district shall not constitute a representation, guarantee or warranty of any kind by the City or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the City, its officials or employees.

Part 2
Definitions

§ 515-201. General interpretation.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated:

A. Words in the singular include the plural, and those in the plural include the singular.

B. Words used in the present tense include the future tense.

C. The words "person" or "subdivider" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.

D. The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof."

E. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.

F. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

§ 515-202. Meanings of specific words.

Other terms or words used herein shall be interpreted or defined as follows:

ALLEY — A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

APPLICATION FOR DEVELOPMENT — Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan. **[Amended 5-29-2001 by Ord. No. 14-2001]**

APPLICANT — The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

BLOCK — A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

BOND — Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Solicitor and/or Council. All bonds shall be approved by the City Solicitor wherever a bond is required by this chapter.

BUILDING — Any structure, either open or closed, having a roof supported by columns, piers or walls, including tents, lunch wagons, trailers, dining cars, camp cars, or other structures on wheels or having other supports. Any structure having an independent entrance or an independent electrical, mechanical or heating system shall be considered a single building. **[Amended 9-20-1978 by Ord. No. 35-1978]**

BUILDING SETBACK LINE — The line established by ordinance beyond which no structure may extend.

CARTWAY (ROADWAY) — The portion of a street right-of-way, paved or unpaved, intended for vehicular use within the topographical curbline.

CITY — The City of Reading, Pennsylvania.

COUNCIL — The City Council of Reading, Pennsylvania.

CITY HEALTH OFFICER — The Sewage Enforcement Officer. **[Amended 5-29-2001 by Ord. No. 14-2001[2]]**

CITY PLANNING COMMISSION — The Planning Commission of the City of Reading, Pennsylvania.

CITY PLANNING DIVISION MANAGER — The City Planning Division Manager under the Community Development Department. **[Amended 5-29-2001 by Ord. No. 14-2001]**

CITY ZONING ADMINISTRATOR — The agent or official designated by Council and charged by law with the administration and enforcement of Chapter 600, Zoning.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

CONSTRUCTION PLAN — The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition for the approval of the plan.

COUNTY — The County of Berks, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION — The Planning Commission of the County of Berks.

CROSSWALK (INTERIOR WALK) — A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

CUL-DE-SAC — A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DESIGNATED FLOODPLAIN DISTRICTS — Those floodplain districts specifically designated in Chapter 600, Zoning, as being inundated primarily by the one-hundred-year flood. Included would be areas identified as the Floodway District (FW), the Flood-Fringe District (FF) and the General Floodplain District (FA). **[Amended 9-20-1978 by Ord. No. 35-1978]**

DEVELOPER — Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision or resubdivision of land.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land. **[Amended 9-20-1978 by Ord. No. 35-1978]**

DEVELOPMENT PLAN — The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition. **[Amended 5-29-2001 by Ord. No. 14-2001]**

DIRECTOR OF PUBLIC WORKS — The Engineer or his responsible representative, as designated by the City. **[Amended 5-29-2001 by Ord. No. 14-2001]**

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2. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

DRAINAGE RIGHT-OF-WAY — The lands required for the installation of sanitary or storm sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DWELLING UNIT — Any structure, or part thereof, designed to be occupied as living quarters or as a single housekeeping unit.

EASEMENT — A right-of-way granted, but not dedicated, for limited use on private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

ENGINEER — A person licensed to practice in the Commonwealth of Pennsylvania as a registered professional engineer.

ESCROW — A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the City in a separate account.

FLOOD-PRONE AREA — A relatively flat or low land area adjoining a stream, river or watercourse which is subject to partial or complete inundation; or any area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one-hundred-year magnitude. This definition and other flood-connected definitions relate to the Flood Insurance Study prepared by or for the Federal Insurance Administration and dated June 11, 2012. **[Amended 9-20-1978 by Ord. No. 35-1978[3]]**

FRONTAGE — That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

GOVERNING BODY — Council or its lawful designee. **[Amended 9-20-1978 by Ord. No. 35-1978]**

GRADE — The inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM — A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

JOINT OWNERSHIP — Among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

LAND DEVELOPMENT — Any of the following activities: **[Amended 5-29-2001 by Ord. No. 14-2001]**

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

   (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. "Land development" does not include development which involves:

(1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;

(2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, whether or not such option or contract is subject to any condition; a lessee having a remaining term of not less than 40 years or other person having a proprietary interest in land shall be deemed to be a "landowner" for the purpose of this chapter.

LAND PLANNER — A recognized professional individual or firm affiliated with registered engineers, architects and/or surveyors capable of preparing physical development or redevelopment plans.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. **[Amended 5-29-2001 by Ord. No. 14-2001]**

LOT IMPROVEMENT — Any building, structure, place, work of art or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property or any part of such betterment. Certain lot improvements shall be properly bonded as provided in this chapter.

LOT LINE — A line designating the boundary of a lot. The lot line may also be known as the "property line." Where the property abuts a right-of-way, the lot line shall be the line dividing the lot from the right-of-way.

MAINTENANCE GUARANTEE — A guarantee by the subdivider that he shall maintain all improvements in good condition for a period of one year after completion of construction and installation of all such improvements.

MAJOR SUBDIVISION — All subdivisions or resubdivisions not classified as minor subdivisions, including but not limited to subdivisions of two or more lots or any size subdivision requiring any new street or extension of the local governmental facilities or the creation of any public improvements.

MARKER — A metal pipe or pin of at least 3/4 inch in diameter and at least 24 inches in length.

MASTER PLAN — A comprehensive plan for the orderly and beneficial development of the City, prepared and adopted by the Planning Commission and Council pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

MINOR SUBDIVISION — Any subdivision containing not more than five lots nor more than one principal building per lot, fronting on an existing street, not involving any new street or road or the extension of municipal facilities, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Chapter 600, Zoning, or this chapter.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. **[Amended 5-29-2001 by Ord. No. 14-2001]**

MOBILE HOME LOT — A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. **[Amended 5-29-2001 by Ord. No. 14-2001]**

MOBILE HOME PARK — A parcel, or contiguous parcels of land, which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. **[Amended 5-29-2001 by Ord. No. 14-2001]**

MONUMENT — A stone or concrete monument with a flat top at least four inches in diameter or square containing a copper or brass dowel (plug) and at least 24 inches in length. It is recommended that the bottom sides or radius be at least two inches greater than the top, to minimize movements caused by frost.

MULTIPLE-DWELLING BUILDING — A building housing three or more separate dwelling units.

MUNICIPAL AUTHORITY — A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."[4] **[Amended 5-29-2001 by Ord. No. 14-2001]**

MUNICIPALITY — The City of Reading, unless the sentence construction clearly indicates otherwise.

NONRESIDENTIAL SUBDIVISION — A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this chapter.

OFFICIAL MAP — The map established by Council pursuant to law showing the streets, highways and parks, and drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by Council or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

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4. Editor's Note: See now 53 Pa.C.S.A. § 5601 et seq.

ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years, i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year. **[Amended 9-20-1978 by Ord. No. 35-1978]**

ORDINANCE — Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

OWNER — Any person, firm, association or syndicate, copartnership or corporation having a proprietary interest in any land sought to be subdivided in pursuance of this chapter.

PERFORMANCE GUARANTEE — Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Commission gives final approval to the plan, including performance bonds, escrow agreements and any other collateral or surety agreements.

PLAN, FINAL — A complete and exact subdivision plan, including all required supplementary data, prepared for official recording as by statute, to define property rights and proposed streets and other improvements.

PLAN, MAJOR STREET — That element of the Comprehensive Plan, now or hereafter adopted, which shows the general location, alignment and dimensions, and the identification and classification of existing and proposed streets, highways and other thoroughfares.

PLAN, OFFICIAL — The Comprehensive Development Plan and/or Master Plan and/or future land use plan and/or ultimate right-of-way plan and/or Official Map and/or topographical survey and/or other such plans, or portions thereof, as may have been adopted pursuant to statute for the area of the City in which the subdivision is located.

PLAN, PRELIMINARY — A tentative subdivision plan, including all required supplementary data, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to the preparation of a final plan.

PLAN, RECORD — The copy of the final plan which contains the original endorsements of the City Planning Commission, the County Planning Commission, or their authorized representatives, and which is intended to be recorded with the County Recorder of Deeds.

PLAN, SKETCH — An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

PLAT — A map or plan of a subdivision, whether preliminary or final.

PUBLIC GROUNDS — Includes: **[Amended 5-29-2001 by Ord. No. 14-2001]**

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the City Council or Planning Commission, intended to inform and obtain public comment prior to taking action in accordance with this chapter. **[Amended 5-29-2001 by Ord. No. 14-2001]**

PUBLIC MEETING — A forum held pursuant to notice under the Sunshine Act, 65 Pa.C.S.A. § 701 et seq. (October 15, 1998, P.L. 729, No. 93). **[Amended 5-29-2001 by Ord. No. 14-2001[5]]**

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. **[Amended 5-29-2001 by Ord. No. 14-2001]**

PUBLIC IMPROVEMENT — Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect any improvement for which local government responsibility is established. All such improvements shall be properly bonded.

REGULATORY FLOOD ELEVATION — The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet. **[Amended 9-20-1978 by Ord. No. 35-1978]**

RESERVE STRIP — A panel of ground in separate ownership separating a street from other adjacent properties or from another street.

RESUBDIVISION — A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or an area reserved thereon for public use or any lot line, or if it affects any map or plan legally recorded prior to the adoption of this regulation controlling subdivisions.

REVERSE FRONTAGE LOT — A lot extending between and having frontage on two generally parallel streets, excluding service streets, with vehicular access solely from one street.

REVIEW — Whenever the Planning Commission possesses such jurisdiction, the action of "review" also includes "review-and-approval" or, if necessary, "review-and-disapproval."

RIGHT-OF-WAY — A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or by another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plan is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plan on which such right-of-way is established.

ROAD RIGHT-OF-WAY WIDTH — The distance between property lines measured at right angles to the center line of the street.

SALE or LEASE — Any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, intestate succession or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.

SAME OWNERSHIP — Ownership by the same person, corporation, firm, entity, partnership or unincorporated association, or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockholder, partner or associate, or a member of his family, owns an interest in each corporation, firm, partnership, entity or unincorporated association.

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5. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

SANITARY SEWAGE DISPOSAL, ON-SITE — Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

SANITARY SEWERAGE SYSTEM, PUBLIC — A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a water pollution control facility.

SEPTIC TANK — A covered watertight settling tank in which raw sewage is biochemically changed into liquid or gaseous states to facilitate further treatment and final disposal.

SETBACK — The distance between a structure and the lot line nearest thereto.

SHADE TREE — A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in this chapter and Chapter 555, Part 1, Shade Trees.

SIGHT DISTANCE — The required length of roadway visible to the driver of a motor vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 4 1/2 feet above the center line of the road surface to a point 1/2 foot above the center line of the road surface.

SOIL PERCOLATION TEST — A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given time and location.

STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. **[Amended 5-29-2001 by Ord. No. 14-2001]**

A. COLLECTOR STREET — A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route serving 50 or more dwelling units and a means of access to community facilities and/or other collector and major streets. Streets in industrial and commercial subdivisions shall generally be considered collector streets.

B. CUL-DE-SAC STREET — A minor street intersecting another street at one end and terminating in a vehicular turnabout at the other end.

C. INTERNAL STREET — A minor street used for circulation and access within a development project involving multi-residence or commercial or industrial uses.

D. MAJOR STREET (ARTERIAL) — A street serving a large volume of comparatively high-speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

E. MARGINAL ACCESS STREET — A minor street, parallel and adjacent to a major street, but separated from it by a reserve strip, which provides access to abutting properties and control of intersections with the major streets.

F. MINOR STREET — A street used primarily to provide access to abutting properties.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. **[Amended 5-29-2001 by Ord. No. 14-2001]**

SUBDIVIDER — Any individual, copartnership or corporation or agent authorized thereby which undertakes the subdivision or development of land, as defined by this chapter, as the owner, equitable owner, or agent authorized thereby, of the land being subdivided or developed.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines

for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development:

A. A subdivision, as defined above, includes the division, over any period of time after the enactment of this chapter, of a recorded parcel of land having frontage on an existing or proposed street into two or more parcels having frontage on the existing or proposed street.

B. For the purpose of this chapter, the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall not be deemed a subdivision.

C. The term "subdivision" shall also include any development of a parcel of land, for example, as an industrial park, a shopping center or a multiple-dwelling project, which involves installation of streets and/or alleys, even though the streets and/or alleys might not be dedicated to public use and the parcel might not be divided immediately for purposes of conveyance, transfer or sale, or even though the owner does not transfer legal or equitable title; for example, structures for rental purposes.

D. The term "subdivision" includes resubdivision or any replatting of land, including changes to recorded plans.

E. The term "subdivision" shall refer, as appropriate in this chapter, to the process of subdividing land or to the land proposed to be subdivided.

SUBDIVISION, MAJOR — See "major subdivision."

SUBDIVISION, MINOR — See "minor subdivision."

SUBDIVISION PLAT OR PLAN — The final map or drawing, described in this chapter, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted and recorded with the County Recorder of Deeds.

SURVEYOR — A licensed surveyor registered by the Commonwealth of Pennsylvania.

WATER SURVEY — An inventory of the source, quantity, yield and use of groundwater and surface water resources within the City. **[Amended 5-29-2001 by Ord. No. 14-2001]**

Part 3
Plan Submission Procedures

§ 515-301. Review and approval.

Hereafter, all plans for the subdivision, resubdivision and development of land within the corporate limits of the City of Reading shall be reviewed by the Planning Commission and other City, county and state officials as deemed necessary and shall be approved or disapproved by the Planning Commission in accordance with the procedures specified in this chapter. Any approval not processed as required hereafter shall be null and void unless it occurred prior to the adoption of this chapter.

§ 515-302. Classification of subdivisions.

A. Whenever any subdivision, resubdivision or development of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure approval of the Planning Commission for such proposed subdivision in accordance with the following procedure, which includes basically two steps for a minor subdivision and three steps for a major subdivision:

(1) Minor subdivision.

(a) Sketch plan submission.

(b) Final subdivision plan submission.

(2) Major subdivision.

(a) Sketch plan submission.

(b) Preliminary plan submission.

(c) Final subdivision plan submission.

B. The Planning Division of the Community Development Department, acting on behalf of the Planning Commission, shall review subdivision sketch plans submitted to the Commission and classify each acceptable plan as being either a minor or a major subdivision. If a plan is classified as a minor subdivision, the Planning Commission may, at a regularly scheduled meeting, proceed directly to a review and disposition of the plan in its final form. If a plan is classified as a major subdivision, the Planning Commission may, at successive, regularly scheduled meetings, proceed to a review and disposition of the plan in its preliminary and then its final form. See § 515-202 for the criteria used in designating major and minor subdivisions. **[Amended 5-29-2001 by Ord. No. 14-2001]**

§ 515-303. Submission of sketch plan.

A. Before preparing the sketch plan for a subdivision, the applicant should discuss with the Planning Division of the Community Development Department the procedure for adoption of a subdivision plan and the requirements for the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection and similar matters, as well as the availability of existing services. The Planning Division of the

Community Development Department shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who shall eventually approve aspects of the subdivision plan coming within their jurisdiction.

B. Following such discussions, subdividers are urged to prepare subdivision sketch plans for review with the Planning Commission or its duly authorized representatives. Such plans, if submitted for review, shall include at least those items listed in Part 4 and shall conform to the other requirements hereafter specified.

C. Three black-on-white or blue-on-white copies of the sketch plan, together with an application for classification of sketch development plan, shall be submitted to the Secretary of the Planning Commission or the Planning Director.

(1) The Secretary of the Planning Commission or the Planning Director may refer sketch plans to the following:

(a) One copy to the Director of Public Works. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(b) One copy to the Planning Commission.

(c) One copy to the Zoning Administrator.

(2) Such sketch plans shall be considered as submitted for informal discussion between the subdivider and the Planning Commission or its duly authorized representatives.

D. Submission of a subdivision sketch plan shall not constitute official submission of a plan to the Planning Commission.

E. Based on the information shown on such sketch plan, the Planning Commission or its duly authorized representatives shall, as promptly as possible, advise the subdivider of the extent to which the proposed subdivision conforms to the applicable requirements of this chapter, classify the subdivision in accordance with this section, and discuss plan modifications which are deemed advisable or necessary to secure conformance with this chapter.

§ 515-304. Submission of preliminary plan for major subdivision only.

A. The initial plan of a proposed major subdivision officially submitted to the Planning Commission shall, if it meets all applicable requirements, be considered a preliminary plan.

B. Where a preliminary plan shows the proposed subdivision of only a part of the subdivider's total property, a sketch may be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion may be considered in relation to future connections with the unsubmitted portion.

C. Preliminary plans and all necessary supporting data shall be submitted at least 10 working days in advance of the meeting at which Planning Commission consideration is requested.

D. Official submission of a preliminary plan to the City shall include:

(1) Submission of a completed application for review of the preliminary subdivision plan.

(2) Submission of seven black-on-white or blue-on-white prints on paper of the preliminary plan, which shall fully comply with § 515-402 and Part 5. In addition, one

additional print of the preliminary plan shall be submitted in each of the following circumstances:

(a) Whenever the property being subdivided abuts a state legislative route.

(b) Whenever on-site sanitary sewage disposal facilities are proposed for use on the property being subdivided.

(c) Whenever a proposed subdivision is located in or adjacent to more than one municipality.

(3) Submission, if on-site sewage disposal and/or soil percolation tests are required, of three fully completed copies of the subdivision sewage disposal report.

(4) Submission of one copy of all other required information and plans.

E. The Planning Director or his representative shall collect a filing fee at the time of submission of the preliminary plan in accordance with the requirements of § 515-703 of this chapter.

F. If the preliminary plan submission complies with § 515-402 and all other applicable provisions of this chapter, the Planning Director shall acknowledge such compliance and shall certify the intention of the Planning Commission to review the preliminary plan by issuance to the subdivider of a preliminary subdivision plan receipt. The issuance of such receipt shall constitute official submission of the preliminary plan to the City.

G. Distribution of preliminary plan. The Planning Director or his representative shall refer the preliminary plan to the following:

(1) Two copies of the preliminary plan and one copy of the City's application for review of the preliminary subdivision plan to the County Planning Commission with an accompanying letter requesting the County Planning Commission to review the plan as a preliminary submission for a major subdivision.

(2) Two copies to the Planning Commission, including one copy of the application form and other required reports.

(3) One copy to the Director of Public Works. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(4) One copy to the Zoning Administrator.

(5) One copy to the Berks County Soil and Water Conservation District when, in the opinion of the Planning Commission, erosion and sediment controls may be needed.

(6) One copy to the Pennsylvania Department of Environmental Protection. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(7) One copy to the Sewage Enforcement Officer whenever on-site sewage disposal facilities are proposed for use on the property being subdivided or developed.[6]

§ 515-305. Review of preliminary plan.

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6. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

A. Review by Director of Public Works. The Director of Public Works shall review the preliminary plan to determine its conformance to the chapter. The Director of Public Works shall recommend changes, alterations or modifications, as he may deem necessary. The report of the Director of Public Works shall be in writing and shall be submitted to the Planning Commission prior to the regularly scheduled meeting at which the preliminary plan is to be considered by the Planning Commission. The report shall include an estimate of the cost of construction of all improvements as required by this chapter. **[Amended 5-29-2001 by Ord. No. 14-2001]**

B. Review by Zoning Officer. The Zoning Administrator shall review the preliminary plan to determine its conformance to Chapter 600, Zoning. The Zoning Administrator shall check all data as required to be shown under § 515-403 to determine if information is in accordance with the latest amendments to Chapter 600, Zoning. The report from the Zoning Administrator as to the accuracy of the information shown shall be submitted to the Planning Commission prior to the regularly scheduled meeting at which the preliminary plan is to be considered by the Planning Commission.

C. Review by County Planning Commission. No official action shall be taken by the City Planning Commission with respect to a preliminary plan for a major subdivision until the City has received the written report of the County Planning Commission; provided, however, that, if the County Planning Commission fails to report thereon within 30 days after issuing a preliminary subdivision plan receipt, then the City Planning Commission may act without having received and considered such report. If the preliminary plan submission complies with § 3.2 of the County Regulations, the County Planning Commission shall acknowledge such compliance and shall certify its intention to review the preliminary plan by issuance to the subdivider and to the City Planning Commission Secretary or the Community Development Director of a preliminary subdivision plan receipt. **[Amended 5-29-2001 by Ord. No. 14-2001[7]]**

D. Review by City Planning Commission. When a preliminary plan has been officially submitted, such plan shall be placed on the agenda of the Planning Commission for review, provided that such official submission has occurred no less than 10 working days prior to such regular meeting.

E. As a part of its review, the City Planning Commission or its representatives may discuss the preliminary plan and supplementary data with the subdivider, with appropriate officials of the City, and with appropriate county and state agencies.

F. Prior to the meeting at which the preliminary plan is to be considered, the owner of the property or his agent shall be notified that the preliminary plan has been submitted and will be considered by the Commission at its meeting of a specified date and be invited to be represented at that meeting.

G. At a public meeting, the City Planning Commission or its annually appointed nominees shall review the preliminary plans and the written reports and recommendations thereon of the County Planning Commission, if same have been received, the Director of Public Works, the City Zoning Administrator, the Berks County Soil and Water Conservation District, the Department of Environmental Protection, and of any other officials of the City, county and state to determine the preliminary plan's conformance to the standards

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7. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

contained in this chapter. The City Planning Commission may require or recommend such changes and modifications as it deems necessary or advisable in the public interest. **[Amended 5-29-2001 by Ord. No. 14-2001]**

H. The action of the City Planning Commission, either approving or disapproving the preliminary plan, shall be noted, with the date of such action and the signature of the Commission on two sets of plans. The findings and reasons upon which the action is based, including the provisions of the statute or ordinance relied upon, shall also be stated in the minutes and in writing.

I. Within 90 working days after the meeting at which the preliminary plan is reviewed, the Secretary of the City Planning Commission or the Community Development Department Director shall send written notice of the findings, action taken, and reason thereof. When the application is not approved in terms as filed, the decision shall specify the defects found in the application, describing the requirements which have not been met, and shall in each case cite the provisions of the statute or ordinance relied upon. Copies of the written notice shall be sent to the following: **[Amended 5-29-2001 by Ord. No. 14-2001]**

(1) Zoning Administrator.

(2) Director of Public Works.

(3) The engineer, surveyor or land planner of the subdivider or his agent.

(4) The subdivider or his agent.

§ 515-306. Approval of preliminary plan.

A. One signed copy of the plan indicating the modifications necessary for final approval shall be maintained by the City in the records of the Planning Division of the Community Development Department, and one signed copy shall be sent to the subdivider or his agent. **[Amended 5-29-2001 by Ord. No. 14-2001]**

B. Approval of the preliminary plan, subject to conditions, revisions and modifications as stipulated by the City Planning Commission, shall constitute conditional Commission approval as to the character and intensity of development, the arrangement and approximate dimension of streets, lots and other planned features, but shall not authorize the sale or transfer of lots. Approval of the preliminary plan shall not constitute acceptance of a subdivision for recording.

§ 515-307. Submission of final plan.

A. Within 12 months after approval of the sketch plan for a minor subdivision or of the preliminary plan for a major subdivision, a final plan and all necessary supplementary data shall be officially submitted for final review directly to the Director of Community Development or his designee by the subdivider or his representative authorized in writing to submit the plan. An extension of time may be granted by the City Planning Commission and the County Planning Commission upon written request. Final plans submitted after this expiration of time for which no time extension has been granted may be considered as a new preliminary plan. **[Amended 5-29-2001 by Ord. No. 14-2001]**

B. The final plan for a minor or major subdivision shall conform in all important respects to the sketch plan or the preliminary plan as previously reviewed and approved by the City Planning Commission or its appointee. The City Planning Commission or its duly appointed representative may, however, accept a final plan so modified as to reflect any substantial changes which have occurred on the site of the proposed subdivision, or its surroundings, since the time of sketch plan review for a minor subdivision or preliminary plan review for a major subdivision.

C. The City Planning Commission may permit submission of the final plan in sections, each covering a reasonable portion of the entire proposed subdivision as shown on the previously reviewed sketch plan or preliminary plan.

D. Final plans and all necessary supporting data shall be submitted at least 10 working days in advance of the meeting at which the City Planning Commission approval is requested.

E. Official submission of a final plan to the City shall include:

(1) Submission of a completed application for review of final subdivision plan.

(2) For a major subdivision, submission of seven black-on-white or blue-on-white paper prints, one linen and one Mylar copy of the final plan which is in full compliance with § 515-403.

(3) For minor subdivision, submission of nine black-on-white or blue-on-white paper prints, one linen and one Mylar copy of the final plan which is in full compliance with § 515-403.

(4) Submission of one copy of all other required information and plans.

F. If the final plan submission complies with § 515-403 and all other applicable provisions of this chapter, the Director of Community Development or his duly authorized representative shall acknowledge such compliance and shall certify the intention of the City Planning Commission to review the final plan by issuance to the subdivider of a final subdivision plan receipt. The issuance of such receipt shall constitute official submission of the final plan to the City. **[Amended 5-29-2001 by Ord. No. 14-2001]**

G. Distribution of final plan, major subdivision. The Director of Community Development or his representative shall refer the final plan for a major subdivision to the following: **[Amended 5-29-2001 by Ord. No. 14-2001]**

(1) Five black-on-white or blue-on-white paper copies, one linen and one Mylar copy of the plan and one copy of the City's final application form and other required documents to the City Planning Commission.

(2) One copy to the Director of Public Works.

(3) One copy to the Zoning Administrator.

H. Distribution of final plan, minor subdivision. The Community Development Director or his representative shall refer the final plan for a minor subdivision to the following: **[Amended 5-29-2001 by Ord. No. 14-2001]**

(1) Two paper copies of the final plan and one copy of the City's application for review of the final plan to the County Planning Commission with an accompanying letter

requesting the County Planning Commission to review the plan as a final submission for a minor subdivision.

(2) Five black-on-white or blue-on-white paper copies, one linen and one Mylar copy and one copy of the City's final application form and other required documentation to the City Planning Commission.

(3) One copy to the Director of Public Works.

(4) One copy to the Zoning Administrator.

§ 515-308. Review of final plan. [Amended 5-29-2001 by Ord. No. 14-2001]

A. Review by County Planning Commission. If the final plan submission for a minor subdivision complies with § 3.3 of the County Regulations and § 515-403 of this chapter, the County Planning Commission shall acknowledge such compliance and shall certify its intention to review the final plan by issuance to the subdivider of a final subdivision plan receipt. Copies of this receipt shall also be mailed to the Director of Community Development and the Secretary of the City Planning Commission. No official action shall be taken by the City Planning Commission or its nominee with respect to a final plan for a minor subdivision until the City has received the written report of the County Planning Commission; provided, however, that, if the County Planning Commission fails to report thereon within 30 days after issuing a final subdivision plan receipt, then the City Planning Commission or its nominee may act without having received and considered such report.[8]

B. Review by City Planning Commission.

(1) Within 20 working days after official submission of a final plan for a major or minor subdivision, the staff of the City Planning Commission, including the Director of Community Development, shall review the plan for its conformance with this section and § 515-403.

(2) The Director of Community Development shall place the plan on the agenda of the City Planning Commission for review at its next scheduled meeting, providing that the official submission has occurred no less than six working days prior to such scheduled meeting.

(3) During review of the final plan, the City Planning Commission may also consider the written reports of the Director of Public Works, City Zoning Administrator, and other appropriate City, county and state agencies.

(4) The City Planning Commission or its nominees shall review the final plan at a scheduled public meeting. The findings, reasons upon which the action is based and, if the application is not approved, the provisions of the statute or ordinance relied upon, shall be stated in the minutes and in writing.

(5) Within 90 working days after the final plan is officially reviewed, the Secretary of the Planning Commission or Director of Community Development or his designee shall send written notice of the findings, action taken and reason thereof and shall, when the application is not approved, specify the defects found in the application and

8. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

describe the requirements which have not been met, and shall, in each case, cite the provisions of the statute or ordinance relied upon. The following persons shall receive such notice:

(a) County Planning Commission.

(b) Director of Public Works.

(c) The engineer, surveyor or land planner of the subdivider or his agent.

(d) The subdivider or his agent.

(6) If the final plan is approved, the action of the City Planning Commission or its nominee shall be noted, together with the date and signature of the Planning Commission, on eight sets of the final plan, including the linen and Mylar copies. If the final plan is disapproved or is recommended for disapproval, reasons for such action shall be explicitly stated and, if deemed necessary, any modifications required by the City Planning Commission as prerequisites to approval of the final plan shall be noted on the final plan, which shall be distributed as follows:

(a) One copy to the Director of Public Works.

(b) Three copies to the County Planning Commission for County endorsement.

(c) One copy to the engineer, surveyor or land planner of the subdivider or his agent.

(d) One copy to be filed in the Registry Office of the City.

(e) A Mylar reproduction to be filed with the Planning Commission or Director of Community Development.

(f) One copy to be filed with the City Zoning Administrator.

§ 515-309. Performance/maintenance guarantees. [Amended 5-29-2001 by Ord. No. 14-2001]

A. Before the City Planning Commission approves any final plan and as a prerequisite for approval, the subdivider shall deliver to the City Planning Commission or Director of Community Development, who will forward to the Administrative Services Director, a performance guarantee in the amount of 110% of the cost of all public improvements required by this chapter, as estimated by the Director of Public Works, in a form and with a surety approved by the City Solicitor or such other collateral as the Planning Commission, with the approval of City Council, shall deem sufficient under the circumstances, guaranteeing the construction and installation of all such public improvements within a stated period, which shall not be longer than one year from the date of final subdivision approval. Upon written application signed by both the obligor and surety of performance guarantee, in a form approved by the City Solicitor or Council, the City Planning Commission may, at its discretion, extend such period by not more than three additional years or, when the improvements have been partially completed, reduce proportionately the amount of the performance guarantee by formal resolution.

B. Before the City Planning Commission approves any final plan and as a prerequisite for approval, the subdivider shall also deliver to the Planning Commission a maintenance guarantee in an amount of not less than 5% of the Director of Public Works' estimate of the cost of all improvements required by this chapter, guaranteeing that the subdivider shall maintain all such improvements in good condition for a period of one year after the completion of construction and installation of all such improvements.

§ 515-310. Recording of final plan.

A. Within 90 days after endorsement of the final plan by the City and the County Planning Commissions, the subdivider shall file the record plan with the County Recorder of Deeds. If the subdivider fails to record the final plan within such period, the action of the Planning Commission shall be null and void unless an extension of time is granted in writing by the City Planning Commission upon the written request of the subdivider. No subdivision plan may be legally recorded unless it bears the City Planning Commission's approval and seal and the County Planning Commission's stamp of review. In the event any such unapproved plan is recorded it shall be considered invalid, and the Commission shall institute proceedings to have the plan stricken from the records of the Recorder of Deeds, Berks County.

B. Recording the final plan after approval of the Commission shall have the effect of an irrevocable offer to dedicate all streets and other public ways shown thereon to the public use and to dedicate or reserve all park reservations and school sites and other public areas to public use, unless reserved by the subdivider as hereinafter provided. The approval of the Commission shall not impose any duty upon the City concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until the proper authorities of the City shall have actual appropriation of the same by entry, use or improvement. However, the subdivider may place a notation on the final plan to the effect that there is no offer of dedication of certain designated streets or other public areas to the public use, in which event the title to such ways and other lands shall remain with the owner, and the county and local authorities shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the final plan.

§ 515-311. Release from improvement guarantee.

A. When the subdivider or developer has completed all of the necessary and appropriate improvements, he shall notify the City Planning Commission, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Director of Public Works. The Planning Commission or its representative shall, within 10 days after receipt of such notice, direct and authorize the Director of Public Works to inspect all of the aforesaid improvements. The Director of Public Works shall, thereupon, file a report, in writing, with the City Planning Commission and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed 30 days after receipt by the Director of Public Works of the aforesaid authorization from the City Planning Commission; the report shall be detailed and shall indicate approval or rejection of such improvements, either in whole or in part, and if such improvements or any portion thereof shall not be approved or shall be rejected by the Director of Public Works, such report shall contain a statement of the reasons for such nonapproval or rejection. **[Amended 5-29-2001 by Ord. No. 14-2001]**

B. The City Planning Commission or its representative shall notify the developer, in writing, by certified or registered mail, of the action of the Planning Commission with relation thereto.

C. If any portion of the improvements shall not be approved or shall be rejected by the City Planning Commission, the developer shall proceed to complete the same and, upon completion, the same procedure of notification as outlined herein shall be followed.

D. In the event that any improvements which may be required have not been installed as provided in this chapter or in accord with the approved final plan, the Planning Commission or its representative is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by such security, Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other City purpose.

Part 4
Plan Requirements

§ 515-401. Sketch plans.

A. The scale and sheet size of the sketch plan of a proposed subdivision shall be as required in § 515-402 for preliminary plans. The sketch plan shall contain at least the following data, legibly drawn to scale but not necessarily showing precise dimensions:

(1) Tract boundaries, accurately labeled.

(2) Name of the municipality and county in which the subdivision is located.

(3) North point.

(4) Written and graphic scales.

(5) Significant topographical and physical features.

(6) Proposed general street and lot layout.

B. A letter of intent explaining the concept of development should be filed with the sketch plan.

C. The Berks County Soil and Water Conservation District shall be consulted by the subdivider where the sketch plan would indicate advice on erosion and sediment control.

§ 515-402. Preliminary plans for major subdivision.

A. The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one inch equals 50 feet, except that:

(1) If the average size of the proposed lots in the subdivision is five acres or larger, the plan may be drawn to a scale of one inch equals 100 feet.

(2) If the subdivision proposes lots with an average frontage of less than 50 feet each, the plan may be drawn to a scale of one inch equals 20 feet.

(3) The original drawing and all submitted prints thereof shall be made on a sheet size, as listed herein, which is appropriate for the scale chosen.

(a) Eighteen inches by twenty-four inches.

(b) Twenty-four inches by thirty-six inches.

(c) Thirty-six inches by forty-eight inches.

B. All dimensions shall be shown in feet and hundredths of a foot.

C. If the preliminary plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet and appropriately labeled with match lines.

D. The preliminary plan shall show:

(1) Name of the proposed subdivision or land development or otherwise identifying title other than the name of the property owner and of the City.

(2) North point, graphic scale, written scale and date, including the month, day and year that the original drawing was completed, and the month, date and year that the original drawing was revised for each revision.

(3) Name and address of the record owner.

(4) Name and address of the subdivider or land developer if different from record owner.

(5) Name, address, license number and seal of the registered engineer or surveyor responsible for the subdivision plan.

(6) Names of all abutting subdivisions or developments, if any, and names of all adjacent unplatted land, with the Deed Book, volume and page numbers where recorded.

(7) The ward, block and lot number from the City's Official Tax Map.

(8) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one inch equals 800 feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries and recorded subdivision plans existing within 1,000 feet of any part of the property.

(9) In the case of a subdivision or development located less than 3,000 feet from the boundaries of the City, the name and approximate distance of all cities, boroughs and townships within the three-thousand-foot perimeter must be indicated. A title, scale, North point, date and drawing of the boundary line of the City for a reasonable distance shall be indicated.

(10) Where the preliminary plan submitted covers only a part of the subdivider's or developer's entire holding, a sketch of the prospective future street system of the submitted part shall be furnished, and the street system of the submitted part shall be considered in the light of adjustments and connections with future streets in the part not submitted.

(11) Total tract boundaries of the property being subdivided or developed, showing bearings and distances, and a statement of total acreage of the property.

(12) Zoning data, including all of the following which are applicable:

(a) Zoning district lines, existing and proposed, shall be provided. A separate print of the plan may be submitted showing this information. Bulk and use regulations shall be provided on the standard form application for review of a preliminary plan.

(b) Any changes in the existing zoning proposed to be requested by the subdivider or developer or owner.

(c) Requirement for the lot size and front yard of the subdivision or development.

(13) Contour lines at vertical intervals of at least two feet for land with average natural slope of 4% or less and at intervals of at least five feet for land with average natural

slope exceeding 4%. For slopes of less than 1%, the Planning Commission may require spot elevations at all high and low points and/or a designated survey grid.

(14) Location and elevation of the datum to which contour elevation refers to City datum.

(15) All existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroad, watercourses and other significant man-made or natural features within the proposed subdivision or development and within 50 feet from the boundaries of the proposed subdivision.

(16) All existing buildings or other structures and the approximate location of all existing tree masses and/or individual trees over eight inches in diameter within the proposed subdivision or development.

(17) All existing streets, including streets of record, recorded but not constructed, on or abutting the tract, including names, right-of-way widths, cartway or pavement widths and approximate grades.

(18) The full plan of proposed development, including:

(a) Location and width of all proposed streets and rights-of-way, with a statement of any condition governing their use.

(b) Suggested street names and public utility and private easement locations.

(c) The proposed building reserve setback lines for each lot along each street, and in the case of land developments, the proposed placement of each building, in accordance with requirements set forth in Chapter 600, Zoning.

(d) Lot lines with approximate dimensions.

(e) A statement of the intended use of all nonresidential lots and parcels.

(f) A statement of the total number of lots and parcels.

(g) Sanitary and storm sewers and other drainage facilities, with the size and material of each indicated, and any proposed connections with existing facilities.

(h) Parks, playgrounds and other areas dedicated or reserved for public use, with any conditions governing such use.

(19) Location of soil percolation test holes as may be required by § 515-404.

(a) Whenever required under Subsection E(4) hereof, the location and types of erosion and sediment control measures as outlined in §§ 515-508D and 515-602K.[9]

E. The preliminary plan shall be accompanied by the following supplementary data, as applicable:

(1) Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown on either the preliminary plan or on the profile sheets required by this section.

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9. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(2) Tentative profiles along top of cartway or pavement edges or along the top of curb for both sides of each proposed street shown on the preliminary plan. Such profiles shall show natural and finished grades at one of the following sets of scales or any combination thereof:

(a) One inch equals 10 feet horizontal and one inch equals one foot vertical;

(b) One inch equals 20 feet horizontal and one inch equals four feet vertical;

(c) One inch equals 40 feet horizontal and one inch equals four feet vertical; or

(d) One inch equals 50 feet horizontal and one inch equals five feet vertical.

(3) In lieu of the separate profile sheets required by Subsection E(2) hereof, the tentative finished cartway or pavement edge or top of curb grades for both sides of each street may be labeled on the preliminary plan.

(4) Where deemed necessary by the Planning Commission or its representative, a plan for the surface drainage of the tract to be subdivided. Such plan shall include stormwater runoff calculations for the entire property being subdivided as required by the Director of Public Works and shall show the proposed method of accommodating the anticipated runoff, and shall be subject to approval by the Planning Commission or its nominee. Recommendations for controlling erosion and sedimentation should be obtained from the Berks County Soil Conservation District. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(5) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Department of Transportation and shall be subject to approval by the Planning Commission or its nominee.

(6) When bridge construction, floodplain areas or stream rechanneling are involved in a subdivision or land development proposal, the plans shall be submitted to the Bureau of Dams and Encroachments, Pennsylvania Department of Environmental Protection (DAMS), for recommendations and approval. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(7) A solid waste management plan must be shown on the plan in accord with the provisions of § 515-508E.[10]

(8) A map showing the location of the proposed subdivision and/or land development with respect to the City's flood-prone areas, including information on, but not limited to, the regulatory flood, one-hundred year-elevations, boundaries of flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restrictions.

(9) Where the subdivision and/or land development lies partially or completely in the flood-prone areas, or where the subdivision and/or land development borders on the flood-prone areas, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All

10. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

such maps shall also show contours at intervals of two or five feet, depending upon the slope of the land, and identify accurately the boundaries of the flood-prone areas.

(10) Three copies of the subdivision sewage disposal report whenever soil percolation tests are required by § 515-404.

§ 515-403. Final plans. [Amended 9-20-1978 by Ord. No. 35-1978]

A. The final plan shall include all information as required for preliminary plans under § 515-402 and the following:

(1) The source(s) of title to the land being subdivided or developed, as shown by the records of the County Recorder of Deeds. City requires signed affidavit on the plan.

(2) The total tract boundary lines of the area being subdivided or developed with accurate distances to hundredths of a foot and bearings to 1/4 of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet; provided, however, that the boundary(ies) adjoining additional unplatted land of the subdivider, for example, between separately submitted final plan sections, are not required to be based upon field survey and may be calculated. These closure computations shall accompany the final plan being placed on the linen or tracing cloth when possible. The location and elevation of all boundary line or perimeter monuments shall be indicated, along with a statement of the total area of the property being subdivided or developed. In addition, the engineer's or surveyor's seal shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.

(3) The following data for the cartway edges or curblines and right-of-way lines of all recorded, except those which are to be vacated, and/or proposed streets and for the right-of-way lines of all existing streets within the property.

(a) The length, in feet and hundredths of a foot, of all straight lines and any two functions of a chord of all curved lines.

(b) The width, in feet, of the cartway, right-of-way and, if required, of the ultimate right-of-way and, in degrees, minutes and quarters of a minute, of the delta angle of all curved lines, including curved lot lines.

(4) All lot lines shall be completely dimensioned in feet if straight, and if curved, by designating length of arc and radius in feet and central angle in degrees, minutes and seconds. All internal angles within the lots shall be designated to the closest second.

(5) Lot numbers, numbered consecutively.

(6) A statement of the intended use of all nonresidential lots or, in the case of land developments, building units, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots or units contained in the subdivision and, if covenants are recorded, including the book and page number from the County Deed Book.

(7) The location and elevation, if established, of all existing and proposed street monuments.

(8) All easements or rights-of-way where provided for or owned by public services or private agreement and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.

(9) Location, size and invert elevation of all sanitary and/or storm sewers and location of all manholes, inlets and culverts; this data may be submitted as a separate plan.

(10) The location and width of all private driveways.

(11) The location and types of erosion and sediment control measures prepared.

(12) If the subdivision or development proposes a new street intersection with a state legislative route, the intersection permit number(s) issued by the Pennsylvania Department of Transportation shall be indicated for all such intersections.

(13) A certification of ownership, acknowledgment of plan and offer of dedication shall be lettered on the plan and shall be duly acknowledged and signed by the owner(s) of the property and notarized.

(14) A certificate for approval of the plan by the City Planning Commission or its nominee shall be lettered on the plan.

(15) A blank space measuring 3 1/2 inches by 5 1/2 inches shall be left along the lower edge of the sheet in order that the County Planning Commission may acknowledge receipt and review of the plan prior to it being recorded.

(16) A blank space measuring three inches square shall be left along the lower edge of the sheet in order that the County Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.

B. The final plan shall be accompanied by the following supplementary data where applicable:

(1) Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown either on the final plan or on the profile sheets required by § 515-402E(2).

(2) Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:

(a) Existing, natural grade profile along both topographical curblines of each street.

(b) Proposed finished grade of the center line, or proposed finished grade at the top of both curbs, or proposed finished grade at both cartway edges.

(c) The length of all vertical curves.

(d) Existing and proposed sanitary sewer mains and manholes.

(e) Existing and proposed storm sewer mains, inlets, manholes and culverts.

(3) The profile sheets required by Subsection B(1) hereof shall be legibly drawn at one of the sets of scales required for preliminary plans under § 515-402E(2).

(4) In addition to the evidence required by Subsection B(8) hereof, evidence shall be submitted by the subdivider or developer that any changes requested in the existing zoning provisions have been approved according to the procedures specified in Chapter 600, Zoning.

(5) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the City Solicitor as to their legal sufficiency.

(6) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided or developed.

(7) Whenever a subdivider or developer proposes to establish a street which is not offered for dedication to public use, the City Planning Commission shall require the subdivider to submit, and also to record with the plan, a copy of an agreement made with the City on behalf of his heirs and assigns, and signed by the City Solicitor, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:

(a) That the street shall conform to the City's specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Director of Public Works, to restore the street to conformance with the City's specifications. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(b) That an offer to dedicate the street shall be made only for the street as a whole.

(c) That the method of assessing repair costs be as stipulated.

(d) That agreement by the owner(s) of 51% of the front footage thereon shall be binding on the owners of the remaining lots.

(8) Where lot sizes are based on public water and/or public sewer facilities, assurance acceptable to the Planning Commission that such facilities shall be installed in accordance with approved plans and the subdivision and/or land development agreement.

(9) A solid waste management plan shown on the final plan in accord with § 515-508E.[11]

(10) The City Planning Commission or its representatives may require a subdivider to submit a separate landscape plan showing the number, location, size and species of all shrubbery that will be planted on the lot.

(11) A map showing the location of the proposed subdivision and/or land development with respect to the City's flood-prone areas, including information on the one-hundred-year flood elevations, the boundaries of flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restrictions.

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11. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(12) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection and any other commonwealth agency or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Insurance Administrator shall also be notified whenever such activity is proposed. **[Amended 5-29-2001 by Ord. No. 14-2001]**

§ 515-404. Soil percolation test requirements.

A. Soil percolation tests shall be performed for all subdivisions or developments wherein buildings at the time of construction will not be connected to a live community sanitary sewage disposal system.

B. Soil percolation tests shall be made at a minimum rate of one test hole per acre and in accordance with the procedure required by the Pennsylvania Department of Environmental Protection, Title 25, Pennsylvania Code, Rules and Regulations, Chapter 73, and administered by a certified sewage enforcement officer. **[Amended 5-29-2001 by Ord. No. 14-2001]**

C. A sufficient number of soil tests shall be taken to a depth of seven feet or to the top of the limiting zone, whichever is less, which take into account all meaningful engineering and soils data. These tests shall be conducted to determine the presence and actual depth of the limiting zones and shall be administered by a certified sewage enforcement officer.

D. The results of the soil percolation tests and soil test pits shall be entered on three copies of the site investigation and percolation test report for on-lot disposal of sewage. The affected subdivider shall also complete three copies of the plan revision module for subdivisions and land developments, the form being available from the Pennsylvania Department of Environmental Protection office. The developer is then instructed to distribute two copies of each form to the City certified Sewage Enforcement Officer. **[Amended 5-29-2001 by Ord. No. 14-2001]**

E. The City certified Sewage Enforcement Officer shall then review the submitted information and recommend to Council whether or not a sewage plan revision is necessary and, if applicable, recommend whether or not the City should adopt a resolution amending the City sewer plan and approving the concept of the proposed sewage disposal system for the proposed subdivision.

F. The City Sewage Enforcement Officer, after the above review has been completed, shall forward the adopted resolution and all other applicable information to the Pennsylvania Department of Environmental Protection for review and comments on site suitability in accordance with Title 25, Pennsylvania Code, Rules and Regulations, Chapter 71, § 71.15, Subchapter B. **[Amended 5-29-2001 by Ord. No. 14-2001]**

G. The issuance of permits to permit on-site sanitary sewage disposal shall be made by the City Sewage Enforcement Officer in accordance with Title 25, Pennsylvania Code, Rules and Regulations, Chapter 71, Subchapter C.

Part 5
Design Standards

§ 515-501. Application and general standards. [Amended 9-20-1978 by Ord. No. 35-1978]

A. The standards and requirements contained in this Part 5 and in Part 6 are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Planning Commission in reviewing all subdivision plans.

B. Whenever other City ordinances or regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.

C. Land subject to hazards to life, health or property, such as may arise from fire, floods, disease or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them which shall be approved by the appropriate regulatory agencies.

(1) Where not prohibited by this or any other laws or ordinances, land located in flood-prone area(s) may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.

(2) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area if the sites or dwelling units are elevated to a height at least one foot above the elevation of the one-hundred-year flood. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least 15 feet beyond the limits of the proposed structures.

(3) Building sites for structures or buildings other than for residential uses shall also not be permitted in any floodway area. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in Subsection C(2) hereof. However, Council may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation less than one foot above the one-hundred-year flood elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed at least up to that height.

(4) If the Planning Commission determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

(5) When a developer does not intend to develop the plat himself and the Planning Commission determines that additional controls are required to ensure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

D. Subdivision plans shall give due recognition to the Comprehensive Plans and Official Maps of the City and of the County or to such parts thereof as may have been adopted pursuant to statute.

E. Land proposed for subdivision shall not be developed or changed by grading, excavating or by the removal or destruction of the natural topsoil, trees or other vegetative cover unless adequate provisions for minimizing erosion and sediment are provided as required under Title 25, Pennsylvania Code, Chapter 102, Rules and Regulations of the Pennsylvania Department of Environmental Protection and §§ 515-508D and 515-602K. **[Amended 5-29-2001 by Ord. No. 14-2001[12]]**

F. All elevations shall be based on City datum.

§ 515-502. Streets.

A. General standards.

(1) The location and width of all streets shall conform to the official plans or to such parts thereof as may have been adopted by the City.

(2) The proposed street system shall extend existing or recorded streets at the width of the street standards specified in Subsection B hereof.

(3) Where, in the opinion of the Planning Commission or its representative, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property.

(4) New minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property. The subdivider shall also give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.

(5) Subdivisions that adjoin or include existing streets that do not conform to width or alignment as shown on the official plans or the street width requirements of this chapter shall dedicate additional width along either one or both sides of such road. If the subdivision is along one side only, the subdivider shall provide the extra width deemed necessary by the Planning Commission or its representatives and/or the Director of Public Works along the fronts of the lots being subdivided. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(6) The finished elevation of proposed streets shall not be more than the one foot below the regulatory flood elevation. The Planning Commission may require, where necessary, profiles and elevations of streets to determine compliance with the requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights. **[Amended 9-20-1978 by Ord. No. 35-1978]**

B. Street widths.

(1) Minimum street right-of-way and cartway or pavement widths shall be as shown on the official plans or Comprehensive Plan or, if not shown on such plans, shall be as follows:

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12. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Street Type	Required Widths (feet)
Arterial street	
Right-of-way	80
Cartway	48[b]
Collector street	
Right-of-way	60
Cartway	36[a][b]
Minor street	
Right-of-way	40[c]
Cartway	24[c]
Marginal access street	
Right-of-way	40[c]
Cartway	24[c]
Permanent cul-de-sac street	
Right-of-way	40[c]
Cartway	24[c]

Notes:

(a) As specified in the official plans or Comprehensive Plan, or as determined after consulting with the City, the County Planning Commission and the Pennsylvania Department of Transportation.

(b) No on-street parking.

(c) If on-street parking is desired, the minimum right-of-way and cartway width shall be increased to 60 feet and 36 feet, respectively.

(2) Additional right-of-way and cartway widths may be required by the Planning Commission for the purpose of promoting the public safety and convenience or to provide parking in commercial and industrial areas and in areas of high-density residential development.

C. Restriction of access.

(1) Subdivision abutting arterial streets shall provide a marginal service road or shall front buildings upon a minor street parallel to the arterial street and removed from it by the depth of a lot with a buffer strip for planting or some other means of separation of through and local traffic as the Planning Commission may deem appropriate.

(2) Except as provided in Subsection C(1) hereof, reserve strips shall be prohibited.

D. Street grades.

(1) There shall be a minimum center-line grade of 1/2%.

(2) Center-line grades shall not exceed the following:

Street	Percent
Minor	12%
Collector	10%
Arterial	6%
Intersection	5%

(3) Grades in excess of the above shall be submitted for study and approval by the Planning Commission, Planning Director and/or the Director of Public Works. **[Amended 5-29-2001 by Ord. No. 14-2001]**

E. Horizontal and vertical curves.

(1) Horizontal curves. Where connecting street lines deflect from each other at any one point by more than 10° they shall be connected by a curve with a radius of not less than 100 feet for minor streets and 300 feet for arterial and collector streets.

(2) Vertical curves. Vertical curves shall be required for streets, curbs and sidewalks in all instances where the algebraic sum of the grades exceeds 2 1/2%. Minimum tangent distance shall be determined by multiplying the differential in grades by 800.

F. Intersections.

(1) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than 60° or more than 120°.

(2) No more than two streets shall intersect at the same point.

(3) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least 125 feet between center lines, measured along the center line of the street being intersected.

(4) Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 5% within 50 feet of the intersection of the nearest right-of-way lines.

(5) Intersections with major streets shall be located not less than 1,000 feet apart, measured from center line to center line, along the center line of the major street.

(6) Street curb intersections shall be rounded by a tangential arc with a minimum radius of 13 feet provided that the radius is at least equal to the width of the sidewalk, and shall be the width of the wider sidewalk area at an intersection with different sidewalk width.[13]

(7) Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing objects shall be permitted which exceed a height of 30 inches

13. Editor's Note: See also § 508-601.

above the elevation of the intersecting streets. Such triangles shall be established from a distance of 75 feet from the point of intersection of the center line.

(8) Whenever a portion of the line of such triangle occurs behind, i.e., from the street, the building reserve setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building reserve setback line.

G. Cul-de-sac streets.

(1) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

(2) Cul-de-sac streets, permanently designed as such, shall not exceed 400 feet in length and shall not furnish access to more than 20 dwelling units. Lengths in excess of the above shall be submitted for study and approval by the Planning Commission, Planning Director and/or the Director of Public Works. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(3) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed tangentially to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

(4) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The minimum radius to the pavement edge of the topographical curbline shall be 50 feet, and the minimum radius of the right-of-way line shall be 60 feet. The sidewalk area within the right-of-way line should conform with the straightway portion of the street and the curvature of the street.

(5) Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, it shall be conducted away in an underground storm sewer.

(6) The center-line grade on a cul-de-sac street shall not exceed 12%, and the grade of the diameter of the turnaround shall not exceed 5%.

H. Service streets (alleys).

(1) Service streets are prohibited in subdivisions for single-family detached residences, except where required to avoid direct driveway access to major streets.

(2) Service streets may be permitted in other types of residential development, provided that the subdivider produces evidence satisfactory to the Planning Commission of the need for such service streets, provided these are not the primary means of access.

(3) Where permitted, service streets or alleys in residential developments shall have a minimum paved width of 20 feet with no parking permitted.

(4) No part of any dwelling, garage or other structure shall be located within 16 feet of the center line of a service street.

(5) Except where other adequate provision is made for off-street loading and parking consistent with the use proposed, service streets shall be required in commercial and industrial districts and shall have a minimum paved width of 22 feet.

I. Street names.

(1) Proposed streets which are obviously in alignment with others already existing and named shall bear the name of the existing streets.

(2) In no case shall the name of a proposed street duplicate an existing street name in either the City or the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.

(3) All street names shall be subject to the approval of the Director of Public Works and the City Traffic Engineer. **[Amended 5-29-2001 by Ord. No. 14-2001]**

§ 515-503. Blocks and sidewalks.

A. The length, width and shape of blocks shall be determined with due regard to:

(1) The provision of adequate sites for buildings of the type proposed.

(2) Zoning requirements.

(3) Topography.

(4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

B. Size. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by Chapter 600, Zoning, and to provide for convenient access, circulation control and the safety of vehicular and pedestrian movement. Each block shall have at least one fire hydrant and as many more as necessary to ensure adequate fire protection.

C. Crosswalks.

(1) Crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities, as well as in blocks of over 1,000 feet in length.

(2) Such crosswalks shall have a minimum width of 10 feet and a paved walk with a width of not less than six feet.

D. Sidewalk slope.

(1) Sidewalk slope between curb and building line shall be 0.03 feet per foot.

(2) Where curb grades at intersections meet, sidewalk slope may vary between a minimum of 0.005 foot per foot and a maximum slope of 0.06 foot per foot. Change in slope between the curbline and the regular slope of 0.03 foot per foot shall be accomplished in a distance equal to three times the sidewalk area with curbline to building line.

E. Commercial and industrial blocks.

(1) For commercial use, group housing or industrial use, the block size shall be sufficient in the judgment of the Planning Commission or Planning Director to meet all area and yard requirements for such use.

(2) Adequate service areas shall be provided within the block to facilitate the flow of pedestrian and vehicular traffic so as not to inhibit the flow of such traffic on public rights-of-way.

§ 515-504. Lots and parcels.

A. All lots created by subdivision shall strictly conform to the requirements of Chapter 600, Zoning, as amended. The subdivider shall adhere to the provisions of Chapter 600, Zoning, as to area and dimensions, adequacy of space and grade to provide on-site facilities as required, and other requirements concerning lots specified in Chapter 600, Zoning.

B. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

C. Where feasible, lot lines shall follow City boundaries rather than cross them in order to avoid jurisdictional problems.

D. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra-width line, and all setbacks shall be measured from such line.

E. Each lot must have frontage on and access from a public or private street having a right-of-way of at least 40 feet.

F. Where there is a question as to the suitability of a lot or lots for their intended use, due to factors such as rock formations, drainage, flood conditions or similar causes, the Planning Commission may, after adequate investigation, withhold approval of the proposed use for such area.

G. Whenever approval by the Pennsylvania Department of Environmental Protection is required for the water supply or sanitary sewage disposal system(s) for a proposed subdivision, the Planning Commission shall require that a copy of such approval certification be submitted prior to the recording of a plan. **[Amended 5-29-2001 by Ord. No. 14-2001]**

H. Where studies by the Planning Commission indicate that construction or extension of public sanitary trunk sewers to serve the subdivision appears probable within a reasonably short time, up to five years, the Planning Commission may permit lot sizes smaller than as specified above, provided that soil and drainage data submitted with the plan indicate the temporary on-site sanitary sewage disposal systems will function properly within the subdivision, and provided that the on-lot system design recognizes potential connection to a central sewage system, i.e., capped sewer mains and house connections.

§ 515-505. Sanitary sewage disposal.

A. Each property shall connect with an approved sewer system, if accessible. Where the sewer is not yet accessible, the subdivider shall install sewer lines, including lateral connections, as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision, and the laterals shall be capped at the street curbline. When capped sewers are provided, on-site disposal facilities shall also be provided. The Planning Commission shall prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding or unsuitable soil

characteristics. The Planning Commission may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas. **[Amended 9-20-1978 by Ord. No. 35-1978]**

B. All sanitary sewer systems located in flood-prone areas, whether public or private, shall be floodproofed up to a point one foot above the one-hundred-year flood elevation.

C. The subdivider shall provide the highest type of sanitary sewage disposal facility consistent with existing physical, geographical and geological conditions. The following types of sanitary sewage disposal facilities are listed in order of desirability:

(1) Public sanitary sewer and treatment plant system.

(2) Community subsurface sanitary sewer system with a temporary sewage treatment plant.

(3) Capped sewers with temporary approved on-site facilities.

D. Septic tank with tile field or such other special system as may be approved by the Pennsylvania Department of Environmental Protection. **[Amended 5-29-2001 by Ord. No. 14-2001]**

E. Where on-site sanitary sewage disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary subsurface sewage disposal system at a safe distance from and at a lower elevation than the proposed building(s), in accord with Title 25, Pennsylvania Code, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection. Installation shall be inspected and approved in writing by the Director of Public Works with all costs of the inspection to be reimbursed to the City by the subdivider. **[Amended 5-29-2001 by Ord. No. 14-2001]**

F. All lots which cannot be connected with a live public or live community sanitary sewage disposal system at the time of construction of a principal building shall be provided with an on-site sanitary sewage disposal system consisting of a treatment tank with a subsurface absorption area, and which shall, as a minimum requirement, meet the design standards of Title 25, Pennsylvania Code, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection. **[Amended 5-29-2001 by Ord. No. 14-2001]**

G. If on-site sanitary sewage disposal facilities are to be utilized, the Planning Commission may require that the subdivider submit an economic feasibility report if the Planning Commission considers that such facilities are not the highest type consistent with existing physical, geographical and geological conditions. Such report shall compare the cost of providing such facilities and the cost of providing such higher type of facility(ies) as per Subsection E hereof.

H. Two copies of an accurate sketch of on-site facilities shall be provided for the Sewage Enforcement Officer and the Director of Public Works, showing the location of all important features including pipe size, the run of the various pipes, the location of tile fields, location of vents and cleanouts for septic tanks and septic tank capacity. **[Amended 5-29-2001 by Ord. No. 14-2001[14]]**

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14. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 515-506. Water supply.

A. Each property shall connect with an approved water system. The subdivider shall pay the City the cost of constructing and installing water mains and fire hydrants according to the provisions of Ord. No. 53-1975 (see Chapter A618, Water). **[Amended 5-29-2001 by Ord. No. 14-2001]**

B. All water systems located in flood-prone areas, whether public or private, shall be floodproofed to a point one foot above the one-hundred-year flood elevation.

C. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the City that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable. **[Amended 5-29-2001 by Ord. No. 14-2001]**

§ 515-507. Storm drainage.

A. Storm sewers, culverts and related installations shall be provided as necessary to:

(1) Permit unimpeded flow of natural watercourses.

(2) Ensure adequate drainage of all low points along the line of streets.

(3) Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.

(4) Provide positive drainage away from on-site sewage disposal facilities.

(5) Take surface water from the bottom of vertical grades, to lead water from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere.

B. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.

C. The slope of the crown on proposed streets shall be not less than 1/8 of an inch per foot and not more than 1/3 an inch per foot.

D. Storm sewers and related installations shall be required only when the runoff of stormwater cannot be satisfactorily handled within the street cartway.

E. Where existing storm sewers are reasonably accessible, proposed subdivisions shall be required, if necessary, to connect therewith.

F. Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed. Storm sewers shall be designed to meet the City standards for capacity and type of structures.

(1) In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of stormwater runoff onto adjacent developed or undeveloped properties.

G. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainageway, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities as deemed necessary by the Planning Commission. Any changes in the existing drainageway shall be subject to the approval of the Pennsylvania Department of Environmental Protection. **[Amended 5-29-2001 by Ord. No. 14-2001]**

§ 515-508. Public use and service area.

A. Public grounds.

(1) In reviewing subdivision plans, the Planning Commission shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision and shall make such recommendations thereon as it deems necessary in the public interest.

(2) Subdividers shall give earnest consideration to the desirability of providing or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds and play fields, shopping and local business centers. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed. Prior to the preparation of plans, subdividers of large tracts should review with the staff of the Planning Commission the minimum standards for various community facilities applicable to the tract being subdivided.

(3) If portions of the Official Plan of the City contain proposals for drainage right-of-way, streets or street improvements, schools, parks or playgrounds within the proposed subdivision or in its vicinity, or if standards for the allocation of portions of subdivisions for drainage rights-of-way, school sites, streets or street improvements, parks and playground purposes have been adopted, then before approving subdivisions the Planning Commission may further require that such drainage rights-of-way, streets or street improvements, school sites, parks or playgrounds be shown in locations and in dimensions suitable to their intended use. The Planning Commission shall be permitted to reserve the location of and extent of school sites, public parks, and playgrounds shown on the Official Plan for a period of one year after the approval of the final plan or within such further time as agreed to by the applying party. Unless during such one-year period or extension thereof, the City or School District shall have entered into a contract to purchase or have instituted condemnation proceedings according to law for such school site, park or playground, the subdivider shall not be bound by the proposals for such areas shown on the Official Plan. This provision shall apply to the streets, roads or drainage rights-of-way required for final approval of any plan and deemed essential to the public welfare for an indefinite period of time.

(4) In subdivisions or developments which are intended to provide housing for more than 50 families, the Planning Commission shall consider the need for suitable open areas for recreation and shall make a recommendation thereon. Standards to be used by the Planning Commission in requesting the reservation of space for recreation shall be as follows:

(a) The subdivider shall provide at least 1/2 acre of recreational facilities for every 50 families served by the development. The Planning Commission may modify this standard where the type of structures proposed will place an undue burden upon the subdivider or developer.

B. Community assets. Consideration shall be shown for all natural features such as large healthy trees, watercourses, historic areas and structures and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision.

C. Utility easements.

(1) In accordance with two separate orders of the Pennsylvania Public Utility Commission, all new residential developments involving five or more dwelling units are required to install electric and telephone distribution lines underground. The orders are mandatory and include, but are not limited to, single-family, semidetached, townhouse, apartment, and mobile home developments. In compliance with this chapter and with the cooperation of the affected electric and telephone utility companies, the following procedure shall be followed by the Planning Commission when reviewing developments subject to this chapter and the Public Utility Commission orders.

(a) Upon receipt of a preliminary plan or an official sketch plan for review, the Planning Commission shall forward a copy of the notice of review to the appropriate utility companies if the development would fall subject to the Public Utility Commission orders. This would apprise the utility companies of the project status and indicate that a developer would be contacting them in the near future.

(b) After the Commission's review of the plan and within the letter of review, the developer shall be instructed to contact the appropriate utility companies, and secure a letter from each company which indicates that the developer has contacted the company and arrangements have been made to supply electric and telephone service to the area. A copy of this approved plan shall be required prior to City endorsement of any plan for recording. The responsibility for securing this approval and coordinating the plan with the utility company would be the developer's or his representative's.

(2) If easements are used at the rear of lots to provide sewer facilities, a minimum easement of 12 feet from the rear of each adjacent lot shall be provided. This width for a sewer easement shall be added to and made a part of each lot, thereby increasing the lot depth from the minimum as required.

(3) If easements are used at the front or rear of lots to provide for electric or telephone service facilities, a minimum easement width of five feet from the front or rear of each lot shall be provided. Such easements shall be of the width and location determined by the Planning Commission or its representatives after consultation with the City

departments or public utility companies concerned. No structures or trees shall be placed within such easements. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(4) There shall be a minimum distance of 20 feet from the right-of-way line, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision.

(5) Utility service for all residential developments is recommended to be provided through the use of underground facilities in accord with the standards and approval of the utility company having appropriate jurisdiction.

(6) All other public and/or private utilities and facilities including gas and electric shall be elevated or floodproofed up to the regulatory flood elevation. **[Amended 9-20-1978 by Ord. No. 35-1978]**

D. Erosion and sediment controls and guidelines.

(1) Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover shall be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a grading and excavation permit from the City Building Inspector. **[Amended 9-20-1978 by Ord. No. 35-1978]**

(2) Erosion and sediment control measures where required under Title 25, Pennsylvania Code, Chapter 102, Rules and Regulations of the Pennsylvania Department of Environmental Protection, shall meet the standards and specifications of the Berks County Soil and Water Conservation District. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(3) The following guidelines shall be applied as needed in developing erosion and sediment control measures:

(a) Stripping of vegetation, grading, filling, excavating or other alteration of the landscape shall be done in such a way that will minimize erosion.

(b) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(c) The disturbed area and the duration of exposure shall be kept to a practical minimum.

(d) Disturbed soils shall be stabilized as quickly as practicable.

(e) Temporary vegetation and/or mulching may be used to protect exposed critical areas during development.

(f) Permanent vegetation and mechanical erosion control and drainage measures shall be installed as soon as practicable in the development.

(g) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff may be mechanically retarded.

(h) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.

(i) Grading and cut/fill operations shall be kept to a minimum to ensure conformity with the natural topography, to minimize the erosion hazard and to adequately handle the surface runoff.

(4) The following guidelines shall be applied as needed in excavation and fills as part of erosion and sediment controls:

(a) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fill.

(b) Cuts and fills shall not endanger adjoining property.

(c) Fill shall be placed and mechanically compacted to minimize sliding or erosion of the soil.

(d) Fills shall not encroach on natural watercourses or constructed channels.

(e) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

(f) During grading operations, necessary measures for dust control shall be exercised.

(g) Grading equipment shall not be allowed to cross live streams. Provision shall be made for the installation of culverts or bridges.

(5) The following guidelines shall be applied as needed in establishing easements as part of erosion and sediment controls.

(a) Nothing shall be permitted to be placed, planted, set or put within the area of an easement. The area should be kept as lawn.

(b) Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage but not less than 20 feet or as may be required or directed by the Department of Environmental Protection. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Planning Commission. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(c) Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected thereby, which easements shall be adequate for such discharge of drainage and for the repair

and reconstruction of same, including the right of passage over and upon the same by vehicles, machinery and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The owner shall convey, free of charge or cost, such easements to the City upon demand.

E. Solid waste management.

(1) To ensure incorporation of adequate provision for solid waste management practices in the design of land developments and subdivisions, the following minimum requirements shall be contained on development plans in accord with §§ 515-402E(7) and 515-403B(9):

(a) The location, size and type of bulk storage containers shall be shown and shall be adequate to contain all wastes generated between collections.

(b) All bulk storage containers shall be located to permit efficient use of collection equipment and to permit maneuverability of such equipment.

(c) All bulk storage containers shall be appropriately screened.

(d) A statement of the method and frequency of bulk refuse collection to be used shall be included on the plan.

(2) Where no bulk storage is proposed and individual households are expected to individually establish appropriate collection service, a statement shall be shown on the plan which advises that solid waste storage and collection is an individual household responsibility.

(3) In subdivisions or land developments located in areas presently served by a City collection or City contract collection system, and for which no bulk storage methods are proposed, a statement indicating the availability of an existing solid waste collection system may be shown on the plan in lieu of information required in Subsection E(1) hereof.

§ 515-509. Landscaping and shade trees.

A. The Planning Commission or its representative may require a subdivider to submit a separate landscape plan showing the number, location, size and species of all shrubbery that shall be planted on the lot with the preliminary or final plan. Where such shrubbery is deemed insufficient, the Planning Commission may require that additional landscaping be added.

B. Protective screen planting or fences shall be placed by the developer at locations as required by the Planning Commission or its representatives.

C. Shade trees along the street line shall be planted by the developer in such number and manner as shall be deemed necessary by the Planning Commission. Such shade tree planting shall be subject to the requirements of Chapter 555, Part 1, Shade Trees.

D. Trees.

(1) Tentative trees species shall be indicated on the preliminary plan and shall be of a species approved by the Planning Commission. In particular, approved shade trees include the following:

Acer platanoides — Norway maple (emerald green)

Acer platanoides schwedleri nigra — Crimson king maple

Aesculus carnea brioti — Ruby red horse chestnut

Aesculus hippocastanum — Horse chestnut

Aesculus hippocastanum baumanni — Sterile horse chestnut

Carpinus betulus — Hornbeam (European)

Celtis occidentalis — Hackberry

Fraxinus americana — White ash

Fraxinus pennsylvania — Green ash

Fraxinus lancelata — Marshall's seedless green ash

Ginkgo biloba — Ginkgo (male species only)

Gleditsia triacanthos — Common honey locust

Gleditsia triacanthos inermis — Thornless honey locust

Koelreuteria paniculata — Golden rain tree

Morus alba tatarica sterile — Mulberry (sterile)

Platanus acerifolia — London plane tree

Quercus borealis — Red oak

Quercus coccinea — Scarlet oak

Quercus prinus — Chestnut oak

Quercus palustris — Pin oak

Sassafras albidum officinale — Sassafras

Tilia — Linden species

Zelkova serrata — Japanese zelkova

Zelkova serrata "village green" — Village green zelkova

(2) The following trees are recommended for planting in suburban areas of the City only:

Acer saccharum — Sugar maple

Acer pseudoplantanus — Sycamore maple

Fagus grandifolia — American beech

Fagus sylvatica — European beech

Liquidamber styraciflua — Sweet gum

Lirodendron tulipfera — Tulip tree

Prunus yedoensis — Yoshino cherry

Populus maximowiczi — Japanese poplar

Quercus phellos — Willow oak

Quercus robur — English oak

Tilia euchlora — Crimean linden

(3) However, approved shade trees shall not be interpreted to include the following:

Acer negundo — Box elder

Acer platanoides schwedleri — Schwedler's maple

Acer rubrum — Red (swamp) maple

Acer saccharinum — Silver maple

Ailanthus altissima — Tree of heaven

Betula — Birch, all species

Catalpa — all species

Ginkgo biloba — female species only

Juglans — Walnut, all species

Paulownia — Empress tree

Platanus — Plane or buttonwood, all species except London plane

Populus — Poplar or cottonwood, all species (except Maximowiczi)

Salix — Willow, all species

Ulmus — Elm, all species

Robinia pseudoacacia — Black locust

All trees bearing large fruit

E. Shade trees, other than within the right-of-way, may be required when, taking into consideration the existing trees on the lots, the Planning Commission shall deem it necessary. Such trees shall be in conformance with the standards of size, type and locational limitations prescribed for trees along the street line.

Part 6
Improvement Specifications

§ 515-601. General requirements.

A. Physical improvements to the property being subdivided shall be provided, constructed and installed as shown on the record plan, in accordance with the requirements of the City.

B. As a condition to review of a final plan by the Planning Commission, the subdivider shall agree with the City as to the installation of all improvements shown on the plan and required by this chapter. Before the record plan may be endorsed by the Planning Commission, the subdivider shall submit a completed original copy of the subdivision improvements agreement. This agreement shall also guarantee that no lot(s) shall be sold or building constructed in any flood-prone area prior to completion of all protective works or measures planned for such lot(s) and necessary access facilities.

C. All improvements installed by the subdivider shall be constructed in accordance with the design specifications of the City. Where there are no applicable City specifications, improvements shall be constructed in accordance with specifications of such other local, state or federal agency standards as the Planning Commission may require. If there are no applicable standards, the Planning Commission may authorize that specifications be prepared by the Director of Public Works. **[Amended 5-29-2001 by Ord. No. 14-2001]**

D. Supervision of the installation of the improvements required by § 515-602 shall in all cases be the responsibility of the City or of the appropriate state regulatory agency.

E. All improvements required by the Planning Commission shall be subject to the inspection and approval of the Director of Public Works, who shall be notified by the developer at least 24 hours prior to the start of construction of same. No underground installation shall be covered until inspected and approved. **[Amended 5-29-2001 by Ord. No. 14-2001]**

§ 515-602. Required improvements.

The following improvements, as required by the Planning Commission and shown on the record plan, shall be provided by the subdivider:

A. Street grading. All streets shall be graded at full right-of-way width, except that in subdivisions where the average lot frontage, measured at the topographical building line, is 100 feet or more, streets shall be graded at cartway width, plus eight additional feet on both sides.

B. Cartway paving. All streets intended to be dedicated to public use shall be paved to full cartway width, as shown on the final plan, in accordance with City ordinances and/or the requirements of the Director of Public Works. **[Amended 5-29-2001 by Ord. No. 14-2001]**

C. Curbs. Curbs shall be installed along both sides of the cartway of all streets, except service streets, constructed and/or dedicated by the subdivider. Where the land being subdivided lies adjacent to an existing paved cartway, the subdivider shall provide curbing along that portion of the street which abuts his property, except that when, in the opinion of the Planning Commission, the street would not have been improved except for the needs of the property being subdivided, curbing may be required of the subdivider along both sides of

the existing cartway. Curbs shall be of the vertical type, constructed of portland cement, with the dimensions and the quality of materials conforming to City standards.

D. Sidewalks. Sidewalks shall be a minimum of five feet in width and shall be installed along both sides of the cartway of all streets, except service streets, constructed and/or dedicated by the subdivider.[15] Where the land being subdivided lies adjacent to an existing paved cartway, the subdivider shall provide sidewalk along that portion of the street which abuts his property, except that when, in the opinion of the Planning Commission, the street would not have been improved except for the needs of the property being subdivided, sidewalk may be required of the subdivider along both sides of the existing cartway. Sidewalks shall be installed in accordance with the specifications contained in § 515-503D and other appropriate City standards.

E. Sewers.

(1) Storm sewers. Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in § 515-507.

(2) Sanitary sewage disposal. Sanitary sewage disposal and/or collecting systems shall be installed consistent with the design principles and requirements contained in § 515-505 and the specifications of Title 25, Pennsylvania Code, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection. **[Amended 5-29-2001 by Ord. No. 14-2001]**

F. Water supply and fire hydrants. Water supply system(s) and fire hydrants shall be installed consistent with the design principles and requirements contained in § 515-506.

G. Monuments.

(1) All monuments shall be of the size and shape required by the City.

(2) Permanent monuments conforming to City standards shall be accurately placed at the intersection of all lines in the boundary or perimeter of the property being subdivided on range lines approved by the Director of Public Works. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(3) All monuments shall be placed by a registered professional engineer or registered professional surveyor so the scored (by an indented cross at the top of the monument) point shall coincide exactly with the point of intersection of the lines being monumented.

(4) Where the Director of Public Works directs, monuments shall be set with their top level with the finished grade of the surrounding ground, except: **[Amended 5-29-2001 by Ord. No. 14-2001]**

(a) Monuments which are placed within the lines of existing or proposed sidewalks shall be so located, preferably beneath the sidewalks, that their tops shall not be affected by lateral movement of the sidewalk.

(b) Where monuments are located beneath a sidewalk, cast-iron monument frames and lids of approved City design shall be provided for their use.

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15. Editor's Note: See also Chapter 508, Part 5.

(5) All streets shall be monumented, preferably on the right-of-way lines, at the following locations:

(a) At least one monument at each intersection.

(b) At changes in direction of street lines, excluding curb arcs at intersections.

(c) At each end of each curved street line, excluding curb arcs at intersections.

(d) An intermediate monument wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.

(e) At such other places along the line of streets as may be determined by the Director of Public Works to be necessary so that any street may be readily defined in the future. **[Amended 5-29-2001 by Ord. No. 14-2001]**

(6) Metal markers are to be accurately placed at all corners of lots shown on a final plan.

H. Street signs. Street name signs and traffic signals shall be installed at all street intersections in accord with the specifications for design and placement of the City Traffic Engineer.

I. Streetlights. In accordance with the conditions to be agreed upon by the subdivider, the Department of Public Works of the City and the City Traffic Engineer, streetlights are to be installed in all subdivisions. **[Amended 5-29-2001 by Ord. No. 14-2001]**

J. Landscaping and shade trees. Landscaping and shade trees shall be provided in accord with the provisions of § 515-509 of this chapter.

K. Erosion and sedimentation control. Whenever a plan locates and shows erosion and sediment control measures, the developer or his agent shall provide these measures by:

(1) Removing sedimentation from all adjoining surfaces, drainage systems and watercourses and by repairing any damage at his expense as quickly as possible.

(2) Maintaining all drainage facilities and watercourses within the subdivision until they are accepted by the City.

(3) Maintaining as nearly as possible streams, watercourses, swale, floodplain or right-of-way during construction and returning it to its original or equal condition after construction is completed.

(4) Providing adequate rights-of-way and/or easements for all drainage facilities and watercourses which are proposed for acceptance by the City.

(5) Making surface changes subject to the following conditions:

(a) Collect all on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.

(b) Handle existing off-site runoff through his development by designing to adequately handle storm runoff from a fully developed area upstream.

(c) Pay his proportionate share of the total cost of off-site improvements to the common natural watercourse based on a fully developed drainage area.

(d) Provide and install at his expense, in accordance with City requirements, all drainage and erosion control improvements (temporary and permanent) as required by Title 25, Chapter 102, Rules and Regulations of the Pennsylvania Department of Environmental Protection, as administered by the Berks County Conservation District. **[Amended 5-29-2001 by Ord. No. 14-2001]**

Part 7
Administration, Appeals And Penalty

§ 515-701. Amendments; notice.

A. Amendments to this chapter other than those resulting from amendments to the Pennsylvania Municipalities Planning Code shall become effective only after a public hearing held pursuant to public notice. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place where copies of the proposed amendment may be secured or examined shall be incorporated in the public notice. The public notice shall be published by the City in a paper of general circulation in the City once a week for two successive weeks; provided, however, that the last publication shall be not less than seven days before the proposed public hearing.

B. In the case of an amendment other than that prepared by the Planning Commission or its representatives, Council shall submit each such amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.

C. At its annual organizational meeting, the Planning Commission shall review this chapter to determine the advisability of recommending revisions or amendments in the light of changing standards and technological advances.

D. At least 30 days prior to the hearing on the amendment, the municipality shall submit the proposed amendment to the County Planning Agency for recommendations.[16]

E. Within 30 days after adoption, the governing body shall forward a certified copy of any amendment to the County Planning Agency.[17]

§ 515-702. Validity and conflict.

A. Should any action or provision of this chapter be declared by the courts to be invalid, such decision shall not affect the validity of this chapter as a whole nor the validity of any other section or provision of this chapter than the one so declared.

B. Where this chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

C. Any subdivision or land development, as defined in this chapter, in any area of the City for which Council has approved a redevelopment proposal or an urban renewal plan in accordance with the Pennsylvania Urban Redevelopment Law, Act of May 24, 1945, P.L. 991, as amended, 35 P.S. § 1701 et seq., shall be subject to review, approval and regulation in accordance with the provisions of this chapter under the standards and criteria set forth in such redevelopment proposal or urban renewal plan, and any amendments thereto, which standards and criteria shall supersede the standards and criteria for subdivision and land development set forth in Parts 5 and 6.

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16. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

17. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

D. All ordinances or parts of ordinances which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.

§ 515-703. Fees.

A. Council shall establish by ordinance a collection procedure and schedule of fees to be paid by the subdivider at the time of filing a preliminary plan; said fees shall be as provided in Chapter 212, Fees.[18]

B. Such schedule of fees shall be on file in the City Clerk's office.

C. Charges for field inspection to be paid by the subdivider shall be established on the basis of the number of lots or units to be inspected.

§ 515-704. Modifications. [Amended 5-29-2001 by Ord. No. 14-2001]

A. The Planning Commission may grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed.

B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this chapter involved and the minimum modification necessary.

C. The request for modification shall be referred to the Planning Commission for advisory comments.

D. The City Council shall keep a written record of all action on all requests for modifications.

§ 515-705. Reconsideration.

Any subdivider aggrieved by a finding, decision or recommendation of the Planning Commission may request and shall receive an opportunity to appear before the Planning Commission to present additional relevant information and request reconsideration of the original finding, decision or recommendation.

§ 515-706. Challenges.

A. Landowner; general provisions. A landowner desiring to challenge the validity of any provision of this chapter or any amendment thereof shall not be required to make or file any application for development as a condition to pursuing any available judicial or administrative relief, except in the following cases:

(1) When the power to grant relief against the challenged provision is lodged in any administrative agency or officer and the application is necessary to a decision upon the appropriate relief. For purposes of this subsection, the term "administrative

18. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

agency or officer" includes the local governing body when acting upon the approval of plans.

(2) When an application is necessary to define the controversy and to aid in its proper disposition. An application for subdivision approval or for a building permit is not necessary to define the controversy or to aid in its proper disposition within the meaning of this subsection when the challenge is addressed solely to a minimum lot size or maximum density requirement, nor shall an application relating to buildings be required when the challenge is confined to site planning or subdivision improvement matters, nor shall a subdivision application be required when the challenge is confined to building or land use matters.

B. Landowner; scope of judicial relief. Notwithstanding any provision contained in Subsection A hereof, a landowner desiring to challenge the validity of any provision of this chapter or any amendment thereof may elect to file a complete application for development, either preliminary or final, with the Planning Commission and demand that it decide in what respects the application accords with the provisions of this chapter and in what respects it conflicts therewith.

(1) The determination pursuant to such demand shall be made in accordance with the procedures and within the time prescribed for acting upon the application in question. But where the procedures otherwise applicable do not require this, a decision pursuant to a demand made under this section shall be in writing and shall note the matters deemed to be in conflict with this chapter and cite to the provisions of such ordinance relied upon. A copy of the decision shall be furnished the applicant personally or mailed to him not later than the day after the decision is rendered.

(2) Upon receipt of the decision, the landowner may immediately pursue the administrative and judicial proceeding available to challenge the provisions found to be in conflict with his application. In addition, he may elect to serve a copy of the decision upon the City together with copies of his application and notice of his intention to secure the special relief authorized by this section and § 515-707H(2). If the landowner elects to serve such notice, the City shall have 60 days from the receipt thereof within which it may amend the challenged provisions of the regulations. If no amendment is adopted within the sixty-day period, the Court rendering the decision upon the challenge shall disregard any subsequent amendment and may, if it holds challenged provisions invalid, enter judgment ordering the Planning Commission to approve the landowner's application as filed. If any amendment is adopted within the sixty-day period, the landowner may accept the amendment and dismiss his action without prejudice to his right to raise the same issues in another action; or he may amend his complaint and challenge the amended provisions, and if such amended provisions are held invalid by the Court, the Court shall have power to enter judgment ordering the Planning Commission to approve the landowner's application as filed.

(3) When the landowner is unaware of the conflict between his application for development and the provisions of this chapter at the time of filing thereof and files a complete application, preliminary or final, without serving demand for a decision thereon as provided in this section, and thereafter the application is disapproved on the grounds that it conflicts with provisions of this chapter, the landowner may elect at that time to demand a decision in the terms required by this section, whereupon

the procedures set forth in this section and the powers granted to the Court shall be applicable as if a demand had been served at the time the application was filed.

§ 515-707. Appeals.

A. The decisions of the Planning Commission with respect to the approval or disapproval of plans may be appealed directly to the County Court of Common Pleas and shall be filed not later than 30 days after issuance of the decision of the Planning Commission.

B. Subdivision appeals shall be entered by the Prothonotary upon the filing of a subdivision appeal notice which concisely sets forth the grounds on which the appellant relies, verified to the extent that it contains averments of fact. The subdivision appeal notice shall be accompanied by a true copy thereof.

C. Upon filing of a subdivision appeal, the Prothonotary shall forthwith send to the Planning Commission by registered or certified mail a copy of the subdivision appeal notice together with a writ of certiorari commanding the Planning Commission within 20 days after receipt thereof to certify to the Court its entire record in the matter in which the subdivision appeal has been taken, or a true and complete copy thereof, including any transcript of testimony in existence and owned by the Planning Commission at the time it received the writ of certiorari.

D. If the appellant is a person other than the owner of the property directly involved in the decision of the Planning Commission, the appellant, within five days after the subdivision appeal is filed, shall serve a true copy of the subdivision appeal notice upon such owner in the manner specified by the Rules of Civil Procedure for the service of a complaint in equity and shall file proof of such service. For identification of such owner, the appellant may rely upon the record of the Planning Commission and, in the event of good faith mistakes as to such identity, may make such service nunc pro tunc by leave of court.

E. Within the 30 days first following the filing of a subdivision appeal, the City and any owner or tenant of property directly involved in the decision of the Planning Commission may intervene as of course by filing a notice of intervention, accompanied by proof of service of the same, upon each appellant or each appellant's counsel of record. All other intervention shall be governed by the Rules of Civil Procedure relating to intervention actions.

F. The appellant, before proceeding to hearing or argument upon the subdivision appeal, shall obtain and file with the Court a transcript thereof.

G. At any time during the pendency of a subdivision appeal, the Court or a Judge thereof may grant an order of supersedeas upon such terms and conditions, including the filing of security, as the Court or Judge thereof may prescribe.

H. If no verbatim record of testimony before the Planning Commission was made or if, upon motion, it is shown that proper consideration of the subdivision appeal requires the presentation of additional evidence, a Judge of the Court may hold a hearing to receive such evidence or may remand the case to the Planning Commission or refer it to a referee to receive such evidence. Final decision in each subdivision appeal shall be made by the Court or a Judge thereof considering the record and finding of fact made by the Planning Commission, as supplemented and replaced by findings of fact made by a judge or referee. The final decision shall contain conclusions of law:

(1) Where the appeal is from the decision of the Planning Commission, the Court may reverse, affirm or modify the decision appealed.

(2) Where the appeal involves a challenge to the validity of this chapter, the Court shall have power to declare this chapter and any provisions thereof invalid and, in addition thereto, shall have power to enter judgment in favor of the landowner as provided in § 515-706B(2) or stay the effect of its judgment for a limited time to give the City an opportunity to modify or amend this chapter in accordance with the opinion of the Court.

I. No costs shall be allowed against the City unless it shall appear to the Court that the Planning Commission acted with gross negligence or in bad faith or with malice.

§ 515-708. Preventative remedies. [Amended 5-29-2001 by Ord. No. 14-2001]

A. In addition to other remedies, the City may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. The City may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

(1) The owner of record at the time of such violation.

(2) The vendee or lessee of the owner of record at the time of such violation, without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(3) The current owner of record who acquired the property subsequent to the time of violation, without regard as to whether such current owner had actual or constructive knowledge of the violation.

(4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the City may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

§ 515-709. Enforcement remedies. [Added 5-29-2001 by Ord. No. 14-2001]

A. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a judgment of not more than $500 plus all court costs, including reasonable attorneys' fees incurred by the City as a result thereof. No judgment

shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation.

B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per-diem judgment pending a final adjudication of the violation and judgment.

C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this section.

D. Magisterial District Judges shall have initial jurisdiction in proceedings brought under this section.

Chapter 521

SUSTAINABILITY

The Code of the City of Reading contains provisions pertaining to sustainability, such as the following:

Construction codes – See Ch. 180.

Quality of life – See Ch. 180, Part 13.

Rain barrels – See Ch. 438.

Stormwater management – See Ch. 505.

Subdivision and land development – See Ch. 515.

Zoning – See Ch. 600.

Floodplain Overlay Zone – See Ch. 600, Part 18.

Chapter 536

TAMPERING WITH PUBLIC PROPERTY

§ 536-101. Scattering rubbish.
§ 536-102. Tampering with City property.
§ 536-103. Ignoring barriers.
§ 536-104. Obstructing a passageway.
§ 536-105. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 9-23-1953 by Ord. No. 27-1953 (Ch. 6, Part 4B, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Litter and advertising material — See Ch. 346.

Streets and sidewalks — See Ch. 508.

Parks and recreation — See Ch. 396.

STATE LAW REFERENCES

Protecting public property; criminal mischief — See 18 Pa.C.S.A. § 3304.

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§ 536-101. Scattering rubbish. [Amended 3-18-1967 by Ord. No. 5-1967]

No person shall throw, discharge, dump, deposit, place or leave or cause to be thrown, discharged, dumped, deposited, placed or left upon any sidewalk, alley, street, bridge, public property, public passageway or public parking lot any waste material, garbage, refuse or any other trash of any kind. Such prohibition shall apply to the aforesaid enumerated places in the City of Reading or other places owned by or under control of the City.

§ 536-102. Tampering with City property. [Amended 6-7-1961 by Ord. No. 12-1961]

A. No person shall wilfully remove, injure or deface any sign, notice, marker or topographical survey monument erected or placed by the City.

B. No person shall willfully deface, injure, destroy or mar or attempt willfully to deface, injure, destroy or mar any parking meter, traffic light standard or any other device to or for the regulation of governing traffic or the enforcement of traffic regulations within the City.

§ 536-103. Ignoring barriers.

No person shall drive any vehicle of any type whatsoever on any alley, street, bridge or public passageway in violation of any sign or barrier prohibiting or controlling the passage of any vehicle or limiting the weight of any vehicle.

§ 536-104. Obstructing a passageway.

No person shall place or erect upon any sidewalk, alley, street, bridge or public passageway in any building any obstruction of any type; provided, that this chapter shall not be held to restrict the placing of temporary barriers or warning signs for the purpose of safeguarding the public.

§ 536-105. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Any person or persons who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this chapter continues shall constitute a separate offense.

Chapter 540

TATTOO AND PIERCING ESTABLISHMENTS

§ 540-101. Title.
§ 540-102. Purpose.
§ 540-103. Word usage and definitions.
§ 540-104. Health permit.
§ 540-105. Documents required to be posted.
§ 540-106. Inspections.
§ 540-107. Regulations for establishments and operators.
§ 540-108. Suspension and revocation of tattoo establishment permit.
§ 540-109. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 9-23-2013 by Ord. No. 41-2013. Amendments noted where applicable.]

§ 540-101. Title.

This chapter shall be known and may be cited as "The City of Reading Tattoo and Body Piercing Ordinance."

§ 540-102. Purpose.

The purpose of this chapter is to protect the public health, safety and general welfare by regulating individuals and establishments providing tattooing and body piercing services and by providing a uniform set of guidelines for the provision of those services and the operation of those establishments.

§ 540-103. Word usage and definitions.

A. In the administration of this chapter, words in the present tense include the future, the singular number includes the plural and the plural the singular; the masculine includes the feminine; the words "shall" and "will" are mandatory; and the word "may" is permissive.

B. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AFTERCARE — Written and verbal instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and its surrounding area.

ANTISEPTIC — An agent that destroys disease-causing microorganisms on human skin or mucosa.

APPRENTICE — An individual being taught a trade.

ARTIST/OPERATOR/TECHNICIAN/PRACTITIONER — Any person who controls, operates, manages, conducts or practices body art activities at a body art establishment. The term includes technicians and apprentices who work under the operator and perform body art activities.

AUTOCLAVE — An apparatus for sterilization, utilizing steam pressure at a specific temperature over a period of time.

BLOODBORNE PATHOGENS — Standard OSHA guidelines as defined in 29 CFR 1910.103, "Occupational Exposure to Bloodborne Pathogens."

BODY ART — The practice of body piercing and tattooing.

BODY ART ESTABLISHMENT OR FACILITY — Any space where body piercing or tattooing is conducted.

BODY PIERCING — The perforation of human tissue, excluding ear piercing, for a nonmedical purpose.

CLIENT — A person who requests a body art procedure at a body art establishment.

CLIENT RECORD — A file kept by the establishment maintaining information regarding the client and the body art procedures provided to the client.

CONTAMINATED WASTE/BIOLOGICAL WASTE/BIOHAZARD WASTE — Any liquid or semiliquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 CFR Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens" and/or 105 CMR 480.000, "Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste."

COSMETIC TATTOOING — (See "tattooing.") Permanent cosmetics and/or micropigment implantation.

DEPARTMENT — City of Reading Property Maintenance Division.

DISINFECTION — The destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

EAR PIERCING — The puncturing of the outer perimeter or lobe of the ear using a presterilized single-use stud and clasp ear piercing system following manufacturers' instructions.

EQUIPMENT/FURNITURE — All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

EXPOSURE — Any event where there is an eye, mouth or other mucus membrane or nonintact skin contact with the blood or body fluids of another person or contact of eye, mouth or other mucus membrane, nonintact skin with other potentially infectious matter and/or an occurrence whereby an individual is exposed to medical waste.

GAUGING — The deliberate expansion of a healed fistula (hole in the skin) for the purpose of wearing body piercing jewelry.

GLOVES — Disposable protective coverings for the hands.

HANDSINK — A lavatory equipped with tempered hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

HEALTH OFFICER — The Health Officer of the City of Reading or his or her designee.

HEALTH PERMIT — The written authorization by the City of Reading to operate a body art establishment and/or to provide body art services. This permit is separate from any other licensing requirement that may exist within communities or political subdivisions other than the City of Reading.

HOT WATER — Water at a temperature greater than or equal to 110° F. but not greater than 125° F.

INFECTIOUS WASTE —

(1) Blood and body fluids in a liquid or semiliquid state;

(2) Items contaminated with blood or body fluids, which, if compressed or disturbed, may release liquid or semiliquid blood or body fluids;

(3) Sharps which have been used in performing body art;

(4) Other waste which contains pathogenic microbial agents or other biologically active materials in sufficient concentrations that exposure to the waste directly or indirectly creates a significant risk of disease.

INSTRUMENTS USED FOR BODY ART — Hand pieces, needles, sharps, needle bars and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during body art procedures.

INVASIVE — Entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

JEWELRY — Any personal ornament inserted into a newly pierced area.

LIQUID CHEMICAL GERMICIDE — A sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, 1/4 cup per gallon or two tablespoons per quart of tap water).

MEDICAL WASTE —

(1) Blood and body fluids in a liquid or semiliquid state;

(2) Items contaminated with blood or body fluids, which, if compressed or disturbed, may release liquid or semiliquid blood or body fluids;

(3) Sharps which have been used in performing body art;

(4) Other waste which contains pathogenic microbial agents or other biologically active materials in sufficient concentrations that exposure to the waste directly or indirectly creates a significant risk of disease.

MINOR — Any individual under the age of 18.

OPERATOR — The term "operator" shall mean:

(1) Any individual, firm, company, corporation, or association that owns or operates an establishment where tattooing is performed.

(2) Any individual who performs or practices the art of tattooing on a human being. This definition shall not apply to:

(a) Licensed physicians, dentists, or doctors of veterinary medicine in performance of their professional duties.

(b) Funeral directors.

(c) Corrective cosmetics establishments physically located within a licensed physician's office.

PERMIT HOLDER — A person who holds a permit to operate a body art establishment or to provide body art services.

PERSON — An individual, any form of business or social organization or any other nongovernmental legal entity including but not limited to a corporation, partnership, limited-liability company, association, trust or unincorporated organization.

PHYSICIAN — A health professional who has earned a degree of Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) after completing an approved course of study. A physician is required to obtain a license from the state in which professional services will be performed.

PIERCING — The term "piercing" refers to piercing of skin with insertion of a device. Individuals who pierce only ear lobes are exempt from the regulations.

PROCEDURE SURFACE — Any surface of an inanimate object that contacts the client's skin during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area, which may require sanitizing.

RECORD/REGISTER — List.

SANITARY — Clean and free of agents of infection or disease.

SANITIZE/SANITIZATION PROCEDURE — A process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Property Maintenance Division and/or by the Center for Disease Control and Prevention.

SHARPS — Any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, presterilized, single-use needles, scalpel blades and razor blades.

SHARPS CONTAINER/BIOHAZARD CONTAINER — A puncture-resistant, leakproof container that can be closed for handling, storage, transportation and disposal and is labeled with the international biohazard symbol.

SINGLE USE — Products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and gloves.

STERILIZATION — A process approved by the Property Maintenance Division resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

TATTOO — The indelible mark, figure, or decorative design introduced by the insertion of dyes or pigments into or under the subcutaneous portion of the skin.

TATTOO ESTABLISHMENT — A place where tattooing is performed.

TATTOOING — The term "tattooing" refers to one or more of the following:

(1) Any method of placing indelible mark(s), figure(s), letter(s), scroll(s), symbol(s), or decorative design(s) upon or under the skin of a living human being with ink or any other substance, resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

(2) An indelible design made upon the skin of a living human being by production of scars other than by branding.

(3) All forms of cosmetic tattooing.

TATTOOIST — Any person who applies a tattoo to the body of another person.

TEMPORARY BODY ART ESTABLISHMENT — Any place or premises operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

THREE-DIMENSIONAL BODY ART — The form of body art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of material such as steel, titanium, rubber, latex, plastic, glass or any other material, beneath the surface of the skin of a person.

UNIVERSAL PRECAUTIONS — A set of guidelines and controls, published by the Center for Disease Control and Prevention (CDC) as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-care and Public-safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-prone Invasive Procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include handwashing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

WAIVER — A written document issued by the Health Officer with the consent of the Board which authorizes a modification or waiver of one or more of the requirements of this chapter if, in the opinion of the Health Officer and Property Maintenance Division, a health hazard or nuisance will not result from the modification or waiver.

§ 540-104. Health permit.

A. It shall be unlawful for any person to engage in the business of operating a tattoo establishment performing body art, body piercing, or tattooing without first obtaining a permit to engage in such business, in accordance with the provisions of this chapter and unless abiding by the provisions hereof. A permit application may be refused and an establishment may be closed summarily by a Health Officer or his designee.

B. Health permit applications.

(1) Any person wishing to obtain a permit pursuant to the provisions of this chapter for said establishment (whether initially or for renewal thereof) shall submit the following information to the Department:

(a) Name of the body art establishment;

(b) Address and phone number of the body art establishment; name, address and phone number of the owner of the establishment;

(c) For each employee of the establishment:

[1] Full name;

[2] Home address;

[3] Home phone number;

[4] Certificate of completion of OSHA bloodborne pathogens training dated no more than one year prior to date of permit application;

(d) Proof of liability insurance with a minimum of $150,000;

(e) Phone number of the establishment;

(f) Method of sterilization to be utilized at the establishment;

(g) A description of all body art procedures performed at the establishment;

(h) Proof of payment of current fiscal year's applicable occupational and business privilege taxes; and

(i) Proof that the applicant is at least 18 years of age.

(2) Any person wishing to obtain a permit pursuant to the provisions of this chapter must be an owner, operator, manager, or corporate officer of the business itself, not merely of the physical structure in which the business is located.

C. Fee/expiration. Fees are set by City Council and are as listed in the Code of the City of Reading Fee Schedule.[1]

D. Transferability.

(1) The health permit is nontransferrable. It may not under any circumstances be transferred to another individual and/or address. A new health permit must be sought in such a circumstance.

§ 540-105. Documents required to be posted.

The following must be displayed in a prominent and conspicuous area readily observable to patrons:

A. Permit provided for in this chapter.

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1. Editor's Note: See Ch. 212, Fees.

B. Most current inspection sheet.

C. Literature explaining aftercare.

D. Name, address, and phone number of Property Maintenance Division/Health Office.

E. Emergency plan for contacting fire, police, or emergency services and a phone readily available for such use.

F. Plan for exiting the premises in case of a fire or disaster.

G. Zoning permit.

§ 540-106. Inspections.

When application for permit is complete, the applicant shall be referred to the Property Maintenance Division. The Property Maintenance Division shall inspect the proposed location to determine if it complies with the health and sanitary provisions of this chapter. Inspections must occur at least twice per year and can be unannounced. It shall be unlawful for any person or operator of a tattooing establishment to willfully prevent or restrain the Health Officer or his designee from entering any permit-issued establishment where tattooing is being performed for the purpose of inspecting said premises after proper identification is presented to the operator. The Health Officer or his designee may give written warning for violations and, if the establishment does not correct the deficiency within 10 days, the establishment shall be closed until compliance is achieved.

§ 540-107. Regulations for establishments and operators.

Every person who operates a tattooing establishment within the City of Reading shall comply with the following requirements:

A. Records required.

(1) In order for the operator to properly assess the client's condition for receiving body art procedures and not violate the client's rights or confidential medical information, the operator must obtain a client record containing the following information regarding each client:

(a) Name, address, date of birth and photocopy of ID (acceptable forms of ID are driver's license, passport, state ID or military ID);

(b) Any known allergies;

(c) Any condition that may affect/hamper the healing process;

(d) The name of the artist who performed the procedure;

(e) The date of the procedure;

(f) The location of the procedure on the client's body;

(g) A description of the type of procedure provided;

(h) A description of any unusual circumstances or complications occurring during the procedure.

(2) The following forms must be completed by each client and kept as part of the client record:

(a) Signed statement by client acknowledging that he or she may be temporarily prohibited from donating blood under rules and regulations of the Red Cross;

(b) Signed statement by client attesting that, at the time of the procedure, he or she is not intoxicated from legal or illegal drug use or alcohol consumption;

(c) For all persons under the age of 18, signed consent of the minor's parent or legal guardian permitting the minor to undergo the body art procedure. (For anyone under the age of 18, a notarized affidavit and a copy of the parent/guardian ID is required).

(3) The holder of a body art establishment permit must ensure that the foregoing client records are kept and retained for a minimum of four years and shall be made available to the Health Officer or designee upon request.

(4) All infections or complications resulting from body art performed by the establishment which become known to the establishment shall be recorded in the client file, and the details of the infection or complication must be promptly reported to the Property Maintenance Division.

B. General provisions. The holder of a body art establishment permit must ensure that the body art establishment conforms at all times with the following requirements:

(1) The levels where body art procedures are being performed and where instruments and sharps are assembled shall be well-lit at all times with an artificial light source.

(2) All walls, floors and procedure surfaces in rooms or areas where body art procedures are performed must be smooth, nonporous, washable, and in good repair. Floors shall be cleaned daily. Cleaning shall not occur while procedures are being performed.

(3) All body art establishments must have a dedicated physical address.

(4) All body art establishments must have:

(a) An entrance leading directly into the establishment;

(b) No direct opening between the establishment and any building or portion of a building used as living or sleeping quarters or as a food, liquor, or tobacco establishment; and

(c) Notwithstanding the foregoing, body art establishments located in a nail salon, barbershop or cosmetology salon may share an entrance into the establishment. However, the body art portion of the establishment must be separated by a wall extending from floor to ceiling.

(5) Each establishment shall have an area that will be screened from public view for customers requesting privacy or for all genitalia body art procedures. Dividers, curtains or partitions at a minimum shall separate multiple body art stations.

(6) A consistent fresh air supply must be provided to the establishment. Furnace or air conditioners shall be maintained to allow for airflow. Filters shall be cleaned or replaced annually or more frequently if necessary.

(7) No domestic or wild animals of any kind shall be present in a body art establishment; fish aquariums and service animals used by persons with disabilities are permitted in nonprocedural areas.

(8) The doors to the establishment shall be self-closing and kept closed to prevent entrance by vermin and foreign particles.

(9) The establishment must at all times have a supply of hot and cold running water in sufficient quantities to conduct the facility in a sanitary manner.

(10) The establishment must have emergency exits marked for easy escape.

(11) Electrical appliances or apparatus must be clean and have no worn or bare wiring to avoid fires, shocks and electrocution and all electrical outlets in operator areas, cleaning areas and bathroom facilities must be equipped with ground fault (GF) protected receptacles.

(12) Water or product spills on the floor shall be removed immediately and the floor dried to avoid falls.

C. Equipment. The establishment must have the following equipment, all of which shall be in good repair, easily cleanable and kept in a sanitary manner at all times:

(1) Sinks. A minimum of two sinks, one designated for handwashing and the other for employee use only to clean equipment. Both must be kept clean and include:

(a) Hot and cold running water, preferably with wrist- or foot-operated controls;

(b) Liquid pump soap;

(c) Single-use paper towels; and

(d) Waste receptacle.

(2) Sharps container. Contaminated sharps must be disposed of in an approved sharps container to prevent cross-contamination.

(3) Biohazard waste container. Biohazard waste must be disposed of in an approved biohazard waste container to prevent cross-contamination.

(4) Autoclave(s). The autoclave shall be used, cleaned and maintained according to the manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Health Officer. Autoclaves shall be positioned away from workstations or areas available to the public. Cleaning and logbooks are to be available for inspection. Each owner of the body art establishment shall demonstrate that the autoclave is capable of attaining sterilization by monthly spore tests. These tests shall be verified through an independent laboratory. These records shall be kept by the owner for three years and made available to the Health Officer or his designee upon request. Each body art establishment is to be equipped with an autoclave which is a design, style or

model that has received clearance by the U.S. Food and Drug Administration for conformance with Section 510(k) of the Federal Food, Drug and Cosmetic Act. Alternate sterilizing equipment may only be used when specifically approved in writing by the Property Maintenance Division. After each use and before use on another customer, all needle bars, grips and tubes and needles shall be processed by the following procedure: cleaned, packaged in a self-sealing autoclave bag which is dated with an expiration date not to exceed six months, and arranged in an autoclave which is operated in strict accordance with the manufacturer's recommendations. As the operation time of the autoclave may vary with the type of instrument, the packaging of that item and the arrangement of items in the autoclave, it is critical that the manufacturer's operation manual be followed. This will assure that each item placed in the autoclave achieves the proper temperature for sterilization. Temperature-sensitive autoclave tape, autoclave bags with a chemical color indicator on the bag or any other temperature-sensitive medium approved for autoclaves by the Property Maintenance Division must be applied to each load every time the autoclave is used. To further confirm that the autoclave is operated in a manner to assure sterility of the processed instruments, it must be tested monthly using a biological indicator such as spore strips or spore suspensions which are processed by a laboratory. The operator must maintain records documenting such testing for three years. A copy of the manufacturer's recommended procedures for the operation of the autoclave is to be available for inspection by the Property Maintenance Division. An autoclave, which has received a positive spore test, must be immediately removed from service and all instruments allegedly sterilized by that autoclave shall not be utilized on any client. Prior to using, the operator must ensure that there is evidence of one negative spore test. If the autoclave requires repair work, it cannot be utilized until it has received two negative spore tests. Autoclaves must be cleaned and serviced at the frequency recommended by the manufacturer. A copy of the manufacturer's cleaning and servicing instructions must be maintained in the body art establishment.

(5) Waste receptacles. Each workstation shall have a waste receptacle, which is covered and lined with a disposable bag.

(6) Disposable ink caps. Ink caps are required if providing tattooing and permanent color technology procedures. Ink cap holders shall be smooth, nonporous and disposable.

(7) First aid kit. Body art establishments are required to have a complete first aid kit.

(8) Chairs. All chairs for operators, as well as clients, shall be made of smooth, cleanable materials. Cloth is not permitted.

(9) Cabinets or containers for storage. All cabinets and containers shall be maintained and shall be kept in a clean and sanitary manner.

(10) Toilet facilities. Toilet facilities shall be offered and conveniently located during all business hours for all operators, employees and clients. A hand wash sink shall be offered, and signage shall be visible reminding employees to wash their hands.

D. Special requirements for single-use items, inks, dyes and pigments.

(1) All products applied to the skin, including but not limited to body art stencils, applicators, gauze, razors and markers, shall be considered single-use items.

(2) Single-use items shall not be used on more than one client for any reason.

(3) Single-use sharps shall be immediately disposed of in an approved sharps container.

(4) Hollow bore needles or needles with cannula shall not be reused, whether on the same client or a different client, unless it is a single piercing.

(5) All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to the manufacturer's instructions.

(6) Inks, dyes, or pigments may be mixed and may only be diluted with water from an approved potable source.

(7) Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper or plastic cups or caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

(8) The holder of the body art establishment permit shall maintain all the furniture and equipment in the establishment in good working order and keep it in a clean and sanitary manner.

(9) The holder of the body art establishment permit must ensure that storage within the establishment and body artists comply with the following requirements:

(a) Flammable and combustible chemicals shall be stored away from potential sources of ignition such as an open flame or an electrical device.

(b) All chemicals shall be stored in closed bottles or containers and clearly labeled.

(c) No cleaning/sterilizing products shall be stored:

[1] Where food is kept;

[2] In the restroom, unless in a locked cabinet; or

[3] With single-use supplies.

(d) Storage units. All cabinets, drawers, and containers used for storage of supplies, instruments and towels shall be kept clean.

(e) Supplies.

[1] Unused supplies shall be stored in a clean, enclosed container or drawer;

[2] Used/soiled disposable supplies shall be discarded immediately in a clean, closed waste receptacle with a plastic liner; and

[3] Shall be labeled accordingly.

(f) Instrument storage.

[1] Instruments that have been used on a client or soiled in any manner shall be placed in a properly labeled covered receptacle until sterilized;

[2] Sterilized instruments shall be individually packed and stored in a clean, closed container or drawer until used and are to be stored six to 12 inches off the floor, dated with an expiration date not to exceed 180 days; and

[3] Sterile instruments may not be used if the package has been breached or after the expiration date without first resterilizing.

(g) Contaminated sharps must be stored and disposed of in approved sharps container to prevent cross-contamination.

(h) Infectious waste must be:

[1] Handled and stored so that human exposure is prevented;

[2] Discarded in double-lined plastic bags in a covered waste receptacle or in an approved red bag marked with the international biohazard symbol and stored safely until transported by a licensed infectious waste hauler to an appropriate treatment or disposal facility; and

[3] Records of infectious waste disposed of shall be retained for one year.

(10) The holder of a body art establishment permit must ensure that the use of towels/ linens in the establishment meets the following requirements and that body artists working therein comply with the following requirements:

(a) Cloth linens, after use, shall be disposed of in a labeled receptacle that has a cover;

(b) Used cloth linens shall not be used again until they are laundered and sanitized;

(c) Single-use towels may be used for body art procedures and must be discarded in a labeled receptacle that has a cover, with a disposable plastic liner, immediately following each body art procedure; and

(d) Linens to be laundered shall be laundered either by a commercial washer which includes immersion in laundry detergent and either chlorine bleach or water at 160° F., for not less than 15 minutes during the washing and rinsing operation. Linen service from a source approved by the Health Officer or his designee may be substituted as an alternative method.

(11) The holder of a body art establishment permit must ensure that the use of products in the establishment meets the following requirements and that all body artists providing services therein comply with the following requirements:

(a) All liquids, cosmetics, creams, gels, pastes, powders, and other products are kept in clean, closed containers;

(b) Original product bottles and containers have an original manufacturer label;

(c) When only a portion of the product is to be used on a client, the product shall be removed from the container by a spatula, scoop, spoon, or dropper so that the product does not come in direct contact with the client and to assure that the remaining product is not contaminated;

(d) If a product is poured into another container, such as a shaker, dispenser pump container, or spray container, the container is labeled to identify the product;

(e) Supplies and implements which come in direct contact with a client and cannot be disinfected, such as cotton pads, cotton balls, pads, Q-tips, sponges, bandages, tapes, surgical dressing and other similar items, shall be disposed of in a covered waste receptacle, with a plastic liner, or, if contaminated with body fluids, in a hazardous waste container, immediately after use;

(f) All products applied to the skin, including stencils, must be single-use and disposable. Petroleum jellies, soaps, and other products used in the application of stencils must be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination; and

(g) Only petroleum jelly, United States Pharmacopoeia or National Formulary shall be applied to the area to be tattooed and it shall be in a collapsible metal or plastic tube. The application may be spread by the use of sterile gauze or another sterile object but not directly with the fingers.

(12) All permit holders must ensure that after use by each operator and/or a client, all nondisposable instruments and procedure work surfaces are cleaned and sterilized with a sanitizer that has a demonstrated antimicrobial activity, as indicated by the product label and that the following requirements are complied with:

(a) Jewelry used for new body piercing must be sterilized with an autoclave or chem-clave. Acrylic jewelry cannot be used for a new piercing. Jewelry used in healed body piercing does not have to be sterilized, but must be used according to product label;

(b) Clippers must be disinfected with a liquid chemical sterilant after each use;

(c) All nondisposable instruments used for body art must be cleansed and sterilized after each use. Autoclave or chem-clave sterilization must be conducted for the cycle of time and corresponding operating pressure recommended by the manufacturer of the autoclave. Sanitizers used in the cleaning process must have demonstrated antimicrobial activity, as indicated by the product label and be registered with the U.S. Environmental Protection Agency;

(d) Instruments that are to be autoclaved within the facility must be packed in a single-use autoclave bag with the date of sterilization. The expiration date must not exceed 90 days from the date autoclaved;

(e) All sterilized instruments must remain stored in sterilized packages until just prior to performing a body art procedure. Where several instruments are sterilized at the same time in the same package, such as in a single-use setup, once the container is opened any instrument not used immediately in a procedure must be resterilized;

(f) Every batch of sterilized equipment must be monitored for sterilization by use of a heat-sensitive indicator that is capable of indicating approximate time and temperature achieved; and

(g) Only jewelry meeting the requirements hereunder which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use may be inserted into a newly pierced area.

(13) Pigments, colors and dyes used from stock solutions for each client must be placed in a single-use receptacle and the receptacle and remaining solution must be discarded and disposed of after each use.

(a) All dyes, inks and pigments shall be from a source of supply which complies with applicable U.S. Food and Drug Administration regulations when available. Dyes, inks and pigments are to be used in accordance with the manufacturer's directions and are not to be adulterated with any substance not recommended by the manufacturer.

(b) A client must not receive body art procedures on areas which are irritated/ inflamed or have moles, rash, broken skin, infection or any other evidence of an unhealthy condition such as TB, influenza, HIV, impetigo, syphilis, mumps, hepatitis, scleral jaundice or rubella.

(c) Permit holders and all other operators must be able to demonstrate knowledge in anatomy and skin diseases, infections, disease control and universal precautions.

(14) Every body artist must wash his/her hands thoroughly with liquid antibacterial soap and water and dry them with single-use disposable towels, before and after serving each client and at any time during the procedure when the hands may become contaminated.

(15) The owner of a body art establishment must ensure that each employee wears gloves, and each operator shall wear gloves in accordance with the following:

(a) When performing body art procedures, the operator must wash his/her hands prior to gloving;

(b) Gloves must be disposed of after the completion of each procedure on each client; and

(c) If gloves become torn, punctured or otherwise contaminated, operators must remove and dispose of the gloves, wash his/her hands with liquid soap and water, and dry with a disposable towel, and then put on a new pair of gloves before resuming the body art procedure.

(16) Single-use items must not be used on more than one client. After use, all single-use needles, razors, razor blades and other sharps must be immediately disposed of in an approved sharps disposal container in accordance with medical waste removal guidelines as applicable.

(17) No body art procedure shall be performed until the following inspections, shavings and preparations of the body art area have occurred:

(a) No body piercing shall be done on skin surfaces which have any rash, pimples, boils, infections or any other evidence of an unhealthy condition;

(b) If the skin is to be shaved, the skin surface must first be washed with soap and warm water. Disposable razors, for each client, shall be used for preparation of the areas to be pierced;

(c) Prior to piercing, the area to be pierced shall be gently scrubbed with an approved surgical scrub material or a sterile gauze pad soaked in a germicidal preparation registered with the Environmental Protection Agency and applied in accordance with the manufacturer's recommendations;

(d) Only medical grade markers or ink and sterile toothpicks are to be used to identify the areas to be pierced. Gentian violet may be utilized for marking oral piercings; and

(e) The use of styptic pencils, alum blocks or other solid styptic to check the flow of blood is prohibited.

(18) All permit holders must ensure that the body art establishment, operators and employees use liquid chemical germicide solution in accordance with the manufacturer's directions. Body artists must comply with the following requirements:

(a) Label the liquid chemical germicide solution; and

(b) Keep the liquid chemical germicide solution covered at all times.

(19) While in the body art establishment, permit holders must not engage in or allow any other person to engage in any of the following activities:

(a) Consuming food or beverages in any area where body art is performed;

(b) Storing food in the same area where chemical supplies are used or stored;

(c) Using, consuming, serving, or in any manner possessing or distributing intoxicating beverages or controlled substances upon its premises during the hours the facility is open to the public and/or any body art procedures are being performed; and

(d) Performing body art when she/he is under the influence of alcohol, narcotic drugs, stimulants, or depressants or on any person who appears to be under the influence of alcohol, narcotic drugs, stimulants, or depressants.

(20) All jewelry to be used in body art procedures is to be made from one of the following grades: 316LVM and/or surgical implant grade stainless steel AST F138; solid yellow or white gold which is 14K or 18K; titanium meeting ASTM TiA4V ELI, F136; niobium; platinum; high-density, low-porosity nontoxic plastics meeting FDA standards where applicable (Tygon and PTFE); and autoclavable borosilicate glass (Pyrex). Certification of the quality of the jewelry is to be obtained from the manufacturer/supplier and made available for inspection. Substandard jewelry such as that which is damaged, scratched, intended for earlobes or not expressly designed for body piercing, jewelry made of silver, gold plated or filled or other corrosive metal shall not be used. When stored in a closed clean, dry container, jewelry stored in paper autoclave bags may be stored up to three months and up to one year when a full plastic autoclave bag is used.

(21) No person may perform a body art procedure on or to any person under 18 years of age without prior written consent of the parent or court-appointed guardian of such person. The person giving consent must be present during the procedure.

(a) The person providing the body art procedure must retain a copy of the consent for four years.

(b) Artists have the right to refuse to perform body art procedures on a person at their discretion.

(22) All recipients of a body art procedure shall receive from the body artist and/or the body art establishment both written and verbal aftercare which shall include, inter alia, circumstances under which the client should seek medical treatment.

(23) Only dentists/physicians can split tongues.

(24) All patrons must be given verbal and written instructions or pictures demonstrating care of the tattooed area and a recommendation to consult a physician in the event of any sign of infection.

(25) Artists shall also be free of skin and infectious diseases to include:

(a) Boils.

(b) Infected wounds.

(c) Open sores.

(d) Acute respiratory infection.

(e) Other communicable disease or condition.

(f) Nausea.

(g) Vomiting.

(h) Diarrhea.

(26) Artists cannot work on a customer if, in the artist's opinion, that person is intoxicated from drug or alcohol use.

(27) The use of styptic pencils, alum blocks, or other solid styptics to check the flow of blood is prohibited.

(28) Artists cannot administer anesthetic injections or other medications or prescription drugs.

(29) Liquid chemical germicide solutions must be labeled and dated at time of opening, covered at all times and changed weekly (daily in the case of a hypochlorite solution) or when it becomes visibly cloudy or dirty.

(30) Items in autoclave bags must have date sterilized and date of expiration and may not be used more than 180 days after sterilization date.

(31) MSDS sheets for all compounds utilized must be available to all employees and to patrons if requested.

(32) Animals may not be tattooed with any of the instruments used in tattooing human patrons.

E. Updating of chapter. In order to carry out the intent of this chapter, the Board of Health in consultation with the Health Officer may promulgate, from time to time, rules and regulations pertaining to the requirements of sanitation, cleanliness, adequacy of facilities, equipment, and operation of a tattooing establishment consistent with current good practices and this chapter.

§ 540-108. Suspension and revocation of tattoo establishment permit.

A. A tattoo establishment permit may be suspended or revoked by the Health Officer or his designee upon the occurrence of any of the following events:

(1) The application for such permit contained a false statement(s).

(2) The operator has violated the provisions of this chapter.

(3) The operator is convicted or pleads guilty or nolo contendere to an offense listed under the Pennsylvania Crimes Code related to the conduct of business in the tattoo establishment.

(4) The operator is unable to demonstrate qualifications or standards for registration.

(5) The operator is unable to practice with reasonable skill and safety due to illness, addiction to drugs or alcohol, or being convicted of a felony related to the use of controlled substances.

(6) The operator violates a lawful regulation or order of the Property Maintenance Division previously entered in a disciplinary proceeding.

(7) The operator knowingly maintains a professional connection or association with a person in violation of the act or aiding an unregistered person to practice the profession.

(8) The operator acts in such a manner as to present an immediate and clear danger to public health or safety.

(9) If recordkeeping provision is violated, the City can revoke the permit for two years. The operator cannot register for a new permit for two years from date of violation or date of revocation, whichever is later.

(10) Failure to pay permit fees.

B. The Health Officer or his designee may suspend the operator permit immediately if in his discretion he determines that continued operation poses a serious health risk.

C. The Health Officer or his designee shall close the establishment by affixing a placard to the door of the business. The placard cannot be removed until violations are remedied. Removal of the placard after compliance has been met carries a removal fee of $150.

D. The Health Officer or his designee shall serve the tattoo establishment with written notice of said suspension or revocation, specifying the reasons therefor, before said suspension

or revocation shall become effective. Service of said notice shall be deemed effective if delivered to the person in apparent charge of the tattoo establishment.

E. The operator whose permit is revoked must surrender it to the Property Maintenance Division.

§ 540-109. Violations and penalties.

A. In addition to the revocation and suspension of any permit, as provided in this chapter, any person violating or failing to comply with any section or provision hereof, or any regulation made under this authority and any person who hinders, obstructs, or interferes with a Health Officer or any of his assistants in the discharge of their duties, shall, on conviction, be fined not less than $50 nor more than $300 plus the costs of their prosecution for the first offense and not less than $200 nor more than $1,000 plus the costs of prosecution for each succeeding offense and, in default of payment of such fines and costs, shall be imprisoned for not more than 90 days.

B. All fees and fines imposed or collected under the provisions of this chapter shall be paid into the City Treasury for the use of the City.

C. Failure to observe any of the provisions of this chapter is basis for revocation of a permit or denial of a renewal of a permit. Unless a permit is being temporarily and immediately revoked for health reasons in accordance with the provisions of this chapter, prior to the revocation or denial of renewal, the City shall give 10 days' written notice to the permit holder of his violation of or his failure to observe a general condition as set forth herein. If the permit holder requests a hearing prior to the expiration of that ten-day notice period, either the Health Officer or a representative of the Property Maintenance Division shall hold a hearing to determine if the revocation or renewal denial should occur. In order to request a hearing, the permit holder must do so in writing. The permit holder may present evidence in his behalf at such hearing. A written decision shall be rendered within 45 days of the hearing. If the permit holder fails to request such a hearing, the revocation or renewal denial shall be effective upon the expiration of the ten-day period or upon expiration of the term of the existing permit, as will be set forth in the written notice.

D. Any person convicted of two violations of the provisions of this chapter within any twelve-month period shall have his permit suspended for one full year and shall not be eligible for another permit until the expiration of one full year.

E. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may be otherwise available with or without process of law.

Chapter 543

TAX ABATEMENTS

Part 1
Residential Tax Abatement.

§ 543-101. Short title.

§ 543-102. Purpose.

§ 543-103. Definitions.

§ 543-104. Exemption for improvement relating to deteriorated neighborhoods; permits and compliance with law required; termination for tax delinquency.

§ 543-105. Exemption schedule relating to improvements to deteriorated property in deteriorated neighborhoods; termination for tax delinquency.

§ 543-106. Exemption procedure and applicable schedule relating to improvements to deteriorated property in deteriorated neighborhoods.

§ 543-107. Exemption for new residential construction relating to deteriorating areas; permits and compliance with law required.

§ 543-108. Exemption schedule relating to new residential construction in deteriorating areas; termination for tax delinquency.

§ 543-109. Exemption procedure and applicable schedule relating to new residential construction in deteriorating areas.

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Part 2
Local Economic Revitalization Tax Assistance Program

§ 543-201. Short title.

§ 543-202. Purpose.

§ 543-203. Definitions.

§ 543-204. Exemption for new construction and improvements; permits and compliance with law required.

§ 543-205. Exemption schedule; termination for tax delinquency.

§ 543-206. Exemption procedure; applicable schedule.

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§ 543-208. Authority to administer.

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Part 3
Enterprise Zone LERTA Opportunity

§ 543-301. Short title.

§ 543-302. Purpose.

§ 543-303. Definitions.

§ 543-304. Exemption for new construction and improvements; permits and compliance with law required.

§ 543-305. Exemption schedule; termination of exemption upon tax delinquency.

§ 543-306. Procedure for obtaining exemption.

§ 543-307. Subsequent reduction assessment.

§ 543-308. Authority to administer.

§ 543-309. Termination.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Tax amnesty program — See Ch. 546.

Taxation — See Ch. 549.

STATE LAW REFERENCES

Improvement of deteriorating real property or areas tax exemptions — See 72 P.S. § 4711-101 et seq.

Local Economic Revitalization Tax Assistance Act — See 72 P.S. § 4722 et seq.

Part 1
Residential Tax Abatement
[Adopted 12-18-1985 By Ord. No. 97-1985; Amended In Its Entirety 1-6-1988 By Ord. No. 110-1987 (Ch. 24, Part 7A, Of The 2001 Code Of Ordinances)]

§ 543-101. Short title.

This Part shall be known as and may be cited as the "Reading Residential Tax Abatement Ordinance."

§ 543-102. Purpose.

The purpose of this Part is to encourage investment and reinvestment in the housing inventory of the City, pursuant to the authority contained in an Act of July 9, 1971, P.L 206, No. 34, as reenacted and amended by Act 42 of August 5, 1977.[2]

§ 543-103. Definitions. [Amended 12-27-1989 by Ord. No. 122-1989]

For the purposes of this Part, all words used in the present tense include future tense, all words in the plural number include the singular number and all words in singular number include the plural number, unless the natural construction of the sentence clearly indicates otherwise. The word "shall" is mandatory and not directory. As used in this Part, certain terms are defined as follows:

ASSESSMENT AGENCY — The Berks County Board of Assessment Appeals.

CITY — The City of Reading.

DETERIORATED AREA — That portion of the City which has been determined to be physically blighted on the basis of one or more of the following standards:

A. The residential buildings, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration have become economic and/or social liabilities.

B. The residential buildings are substandard or unsanitary for healthful and safe living purposes.

C. The residential buildings are overcrowded, poorly spaced or are so lacking light, space and air as to be conducive to unwholesome living.

D. The residential buildings are faultily arranged, cover the land to an excessive extent, show a deleterious use of land or exhibit any combination of the above which is detrimental to health, safety or welfare.

E. A significant percentage of buildings used for residential purposes is more than 20 years of age.

F. A substantial amount of unimproved, overgrown and unsightly vacant land exists which has remained so for a period of five years or more indicating a growing or total lack of utilization of land for residential purposes.

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1. **Editor's Note: Res. No. 828-1979, Adopted 12-12-1979, Has Established The Boundaries Of The Areas Qualifying For The Tax Abatement Program To Be Coextensive With The City Boundaries So As To Include All City Wards.**

2. **Editor's Note: See 72 P.S. § 4711-101 et seq.**

G. A disproportionate number of tax exempt or delinquent properties exists in the area.

DETERIORATED NEIGHBORHOOD — A deteriorated neighborhood as defined in the Act of July 9, 1971, P.L. 206, No. 34, and re-enacted and amended by Act 42 on August 5, 1977.[3] For the purpose of this Part, Wards 1 through 19, respectively, constitute deteriorated neighborhoods and deteriorating areas within the purview of the previously cited Act 42.

DETERIORATED PROPERTY — A dwelling unit located in a deteriorated neighborhood, as hereinafter provided, or a dwelling unit which has been or upon request is certified by a health, housing or building inspection agency as unfit for human habitation for rent withholding, or other health or welfare purposes, or has been the subject of an order by such an agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.

DWELLING UNIT — A house, double house or duplex, townhouse or row house, apartment or any building intended for occupancy as living quarters by an individual, a family or families or other groups of persons, which living quarters contain a kitchen or cooking equipment for the exclusive use of the occupant or occupants. For purposes of this definition, any structure that contains less than three units, and which would otherwise meet the definition of a dwelling unit set forth herein, shall be treated as residential real property subject to the terms of this Part.

IMPROVEMENT — Repair, construction or reconstruction commencing after the effective date of this Part, including alterations and additions, having the effect of rehabilitating a structure so that it becomes habitable or attains higher standards of housing safety, health or amenity, or is brought into compliance with laws, ordinances or regulations governing housing standards. Ordinary upkeep and maintenance shall not be deemed an improvement. Improvement shall include construction to convert a multifamily structure to a single-family building, if the multifamily structure had originally been designed and built to serve as a single-family house. **[Amended 7-12-2010 by Ord. No. 32-2010]**

NEW RESIDENTIAL CONSTRUCTION — The building or erection, commencing after the effective date of this Part, of dwelling units, as defined in "dwelling unit" hereof, upon vacant land or land specifically prepared to receive such structures.

OWNER — Any person having a legal or equitable interest in the property as recorded in the official records of the state, county or municipality as holding title to the property. **[Amended 7-12-2010 by Ord. No. 32-2010]**

§ 543-104. Exemption for improvement relating to deteriorated neighborhoods; permits and compliance with law required; termination for tax delinquency.

A. There is hereby exempted from real estate taxation, in the amounts and in accordance with the provisions and limitations hereinafter provided, that portion of the assessment attributable to the improvements made to deteriorated property within a deteriorating neighborhood, as defined in § 543-103. **[Amended 12-27-1989 by Ord. No. 122-1989]**

B. In all cases, the exemption from real estate taxes shall be limited to that portion of the additional assessment attributable to the actual cost of the improvement not in excess of the maximum cost per dwelling unit specified herein, and for which a separate assessment has been made by the Berks County Board of Assessment Appeals and for which an exemption has been separately requested. The maximum cost shall be $10,000 per dwelling unit for

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3. Editor's Note: See 72 P.S. § 4711-101 et seq.

improvements constructed during 1971. Maximum cost for improvements constructed each year thereafter shall be the maximum cost for the preceding year multiplied by the ratio of the United States Bureau of the Census New One-Family Houses Price Index for the current year to such index for the preceding year. The date of the construction shall be the date of the issuance of the building permit. No tax exemption shall be granted under the provision of this Part for the improvement of any dwelling unit in excess of the maximum cost specified above. **[Amended 12-27-1989 by Ord. No. 122-1989]**

C. No property shall be entitled to a tax exemption as herein provided unless the necessary and proper permits prior to improving the property have been applied for and obtained in accordance with the requirements of § 205(6) of P.L. 206, No. 34, as reenacted and amended by Act 42 of August 5, 1977.[4]

D. No tax exemption shall be granted if the improvements as completed do not comply with all ordinances, rules, regulations, statutes and other applicable laws.

§ 543-105. Exemption schedule relating to improvements to deteriorated property in deteriorated neighborhoods; termination for tax delinquency. [Amended 12-27-1989 by Ord. No. 122-1989]

A. The portion of the assessment of a property attributable to improvements as determined by the assessment agency to be exempted from taxation each year for 10 years shall be in accordance with the schedule below: **[Amended 7-12-2010 by Ord. No. 32-2010]**

Year	Percentage Exempted
First	100%
Second	90%
Third	80%
Fourth	70%
Fifth	60%
Sixth	50%
Seventh	40%
Eighth	30%
Ninth	20%
Tenth	10%

After the tenth year, the exemption shall terminate.

B. The exemption from real estate taxes authorized by this Part shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

C. The exemption from real estate taxes authorized by this Part shall terminate irrevocably upon default in the payment in full of current real estate taxes, together with accrued penalties and/or interest, due to be paid upon the deteriorated property exempted. For purposes of this Part, a default shall be considered to have occurred if such payment is not made in accordance with the tax bill issued upon the deteriorated property on or before

4. **Editor's Note: See 72 P.S. § 4711-205(6).**

February 15 of the year following the year in which such tax bill is issued. The provisions of this section shall apply prospectively only to deny the continued exemption of the real estate taxes upon the deteriorated property commencing with the first fiscal year following the year for which the tax bill was issued upon which the default occurred. **[Amended 12-6-1995 by Ord. No. 124-1995]**

§ 543-106. Exemption procedure and applicable schedule relating to improvements to deteriorated property in deteriorated neighborhoods.

A. Requests for tax exemption as herein provided shall be made in writing on a form provided by the City at the time a building permit is secured or if no building permit or other notification of improvements is required, at the time s/he commences construction. **[Amended 7-12-2010 by Ord. No. 32-2010]**

B. The Property Maintenance Manager shall forward a copy of the request for exemption to the Berks County Board of Assessment Appeals. **[Amended 12-27-1989 by Ord. No. 122-1989[5]]**

C. The Berks County Board of Assessment Appeals shall, after the improvement is completed, assess the improvement separately, calculate the amount of the assessment eligible for tax exemption in accordance with the limits established by the City and notify the taxpayer and the City of the reassessment and the amount of the assessment eligible for exemption. All abatements shall begin following notification to the City from the Board of an increase in the assessment attributable to the improvement. Appeals from the reassessment and the amounts determined to be eligible for the exemption may be taken by the taxpayer or the City as provided by law. **[Amended 12-27-1989 by Ord. No. 122-1989]**

D. The cost of improvements to be exempted, and the schedule of taxes exempted existing at the time of the initial request for tax exemption, shall be applicable to that exemption request, and subsequent amendments to this Part, if any, shall not apply to requests initiated prior to their adoption.

§ 543-107. Exemption for new residential construction relating to deteriorating areas; permits and compliance with law required.

A. There is hereby exempted from real estate taxation, in the amounts and in accordance with the provisions and limitations hereinafter provided, the assessed valuation of any new residential construction built in a deteriorating area, as defined in § 543-103.

B. In all cases, the exemption from real estate taxes shall apply to the total assessed valuation attributable to the actual cost of the new residential construction, for which an assessment has been made by the Berks County Board of Assessment Appeals and for which an exemption has been requested. The date of the construction shall be the date of the issuance of the building permit.

C. No property shall be entitled to a tax exemption as herein provided unless the necessary and proper permits prior to building the property have been applied for and obtained in accordance with the requirements of § 205(6) of P.L. 206, No. 34, as re-enacted and amended by Act 42 of August 5, 1977.[6]

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5. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

D. No tax exemption shall be granted if the improvements as completed do not comply with all ordinances, rules, regulations, statutes and other applicable laws. **[Amended 12-27-1989 by Ord. No. 122-1989]**

§ 543-108. Exemption schedule relating to new residential construction in deteriorating areas; termination for tax delinquency. [Added 12-27-1989 by Ord. No. 122-1989]

A. The eligible assessed valuation of the property attributable to new residential construction as determined by the assessment agency to be exempted from taxation each year for three years, shall be in accordance with the schedule below: **[Amended 7-12-2010 by Ord. No. 32-2010]**

Year	Percentage Exempted
First	100%
Second	100%
Third	100%

After the third year, the exemption shall terminate.

B. The exemption from real estate taxes authorized by this Part shall be upon the duly constructed dwelling unit or units exempted and shall not terminate upon the sale or exchange of the property.

C. The exemption from real estate taxes authorized by this Part shall terminate irrevocably upon default in the payment in full of all current real estate taxes, together with accrued penalties and/or interest, due to be paid upon the new residential construction exempted. For purposes of this Part, a default shall be considered to have occurred if such payment is not made in accordance with the tax bill issued upon the new residential construction on or before February 15 of the year following the year in which such tax bill is issued. The provisions of this section shall apply prospectively only to deny the continued exemption of the real estate taxes upon the new residential construction commencing with the first fiscal year following the year for which the tax bill was issued upon which the default occurred. **[Amended 12-6-1995 by Ord. No. 124-1995]**

§ 543-109. Exemption procedure and applicable schedule relating to new residential construction in deteriorating areas. [Added 12-27-1989 by Ord. No. 122-1989; amended 6-8-1998 by Ord. No. 20-1998]

A. Requests for tax exemption as herein provided shall be made in writing on a form provided by the City; the form shall be submitted at the time the person desiring tax exemption secures the building permit or at the time he commences construction. **[Amended 7-12-2010 by Ord. No. 32-2010]**

B. The Property Maintenance Manager shall forward a copy of the request for exemption to the Berks County Board of Assessment Appeals.[7]

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6. Editor's Note: See 72 P.S. § 4711-205(6).

7. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

C. The Berks County Board of Assessment Appeals shall, after completion of the construction, assess separately the dwelling unit and the land upon which the new residential construction stands and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by the City and notify the taxpayer and the City of the amounts of the assessment eligible for exemption. Appeals for the assessment and/or the amounts eligible for exemption may be taken by the taxpayer or the City as provided by law.

D. The cost of construction per dwelling unit to be exempted in the schedules of taxes exempted existing at the time of the initial request for tax exemption shall be applicable to the exemption request, and subsequent amendment to the ordinance, if any, shall not apply to requests initiated prior to their adoption.

§ 543-110. Subsequent reduction in assessment. [Added 12-27-1989 by Ord. No. 122-1989]

In the event that the taxpayer shall receive, by whatever means, a reduced assessment with regard to part or all of their property which is currently the subject of the tax exemption provided in this Part, such reduced assessment shall be applied proportionately to the portion of the assessed value which is subject to a tax exemption and the portion of the assessed value which is not subject to a tax exemption, and shall result in a reduction of the tax exemption which was initially granted for purposes of the number of exemption years still remaining on the exemption schedule.

§ 543-111. Authority to administer. [Added 12-27-1989 by Ord. No. 122-1989; amended 5-29-2001 by Ord. No. 14-2001[8]]

The Administrative Services Director of the City shall have the authority for administering and monitoring the tax exemption program covered by this Part, and shall have the authority to deny any and all tax exemption requests when they do not meet or comply with the terms of this Part.

§ 543-112. Termination. [Amended 12-27-1989 by Ord. No. 122-1989; 11-9-1994 by Ord. No. 123-94; 6-8-1998 by Ord. No. 20-1998; 12-13-2004 by Ord. No. 55-2004; 7-12-2010 by Ord. No. 32-2010]

Unless otherwise repealed by Council, this Part shall terminate December 31, 2020. Any property tax exemption created under the provision of this Part shall be permitted to continue even if this Part expires or is repealed.

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8. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Part 2
Local Economic Revitalization Tax Assistance Program
[Adopted 12-31-1985 By Ord. No. 107-1985; Amended In Its Entirety 1-6-1988 By Ord. No. 111-1987 (Ch. 24, Part 7B, Of The 2001 Code Of Ordinances)]

§ 543-201. Short title.

This Part shall be known as and may be cited as the "Reading LERTA Ordinance," which is a short form of the "Reading Local Economic Revitalization Tax Assistance Ordinance."

§ 543-202. Purpose.

The purpose of this Part is to encourage investment and reinvestment in industrial, commercial and other business property in the City pursuant to the authority contained in the Local Economic Revitalization Tax Assistance Act enacted December 1, 1977.[9]

§ 543-203. Definitions. [Amended 3-28-1990 by Ord. No. 27-1990]

For the purpose of this Part, all words used in the present tense include future tense, all words in the plural number include the singular number and all words in singular number include the plural number, unless the natural construction of the sentence clearly indicates otherwise. The word "shall" is mandatory and not directory. As used in this Part, certain terms are defined as follows:

ASSESSMENT AGENCY — The Berks County Board of Assessment Appeals.

CITY — The City of Reading.

DETERIORATED PROPERTY — Any industrial, commercial or other business property owned by an individual, association or corporation, and located in an investment opportunity area, as hereinafter defined, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.

IMPROVEMENT — Repair, construction or reconstruction commencing after the effective date of this Part, including alterations and additions having the effect of rehabilitating a structure so that it becomes habitable or attains higher standards of housing safety, health or amenity, or is brought into compliance with laws, ordinances or regulations governing housing standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

INVESTMENT OPPORTUNITY AREAS — Deteriorated areas as defined in the Local Economic Revitalization Tax Assistance Act, enacted as of December 1, 1977.[10] For the purpose of this Part, Wards 1 through 19 of the City, respectively, constitute investment opportunity areas within the purview of the Local Economic Revitalization Tax Assistance Act.

§ 543-204. Exemption for new construction and improvements; permits and compliance with law required. [Amended 3-28-1990 by Ord. No. 27-1990]

A. There is hereby exempted from real estate taxation, in the amounts and in accordance with the provisions and limitations hereinafter provided, that portion of the assessment

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9. **Editor's Note: See 72 P.S. § 4722 et seq.**

10. **Editor's Note: See 72 P.S. § 4722 et seq.**

attributable to new construction in an investment opportunity area and to the improvements made to deteriorated property, as defined herein.

B. In all cases, the exemption from real estate taxes shall be limited to that portion of the additional assessment attributable to the actual cost of the improvement to deteriorated property for which a separate assessment has been made by the Berks County Board of Assessment Appeals and for which an exemption has been separately requested, and for the assessed valuation of new construction within the designated investment opportunity area.

C. No property shall be entitled to a tax exemption as herein provided unless the necessary and proper permits prior to new construction or improving the deteriorated property have been applied for and obtained in accordance with the requirements of § 6 of the Local Economic Revitalization Tax Assistance Act.[11]

D. No tax exemption shall be granted if the new construction or improvements to deteriorated property as completed do not comply with all ordinances, rules, regulations, statutes and other applicable laws.

E. For purposes of this Part, any new structure or improvement to an existing structure that contains three or more dwelling units and that otherwise qualifies under the terms of this Part shall be treated as commercial real property subject to the terms of this Part.

§ 543-205. Exemption schedule; termination for tax delinquency. [Amended 3-28-1990 by Ord. No. 27-1990]

A. A portion of the assessment of a property attributable to new construction or improvements to deteriorated property as determined by the Assessment Agency to be exempted from taxation each year for 10 years shall be in accordance with the schedule below: **[Amended 7-12-2010 by Ord. No. 30-2010]**

Year	Percentage Exempted
First	100%
Second	90%
Third	80%
Fourth	70%
Fifth	60%
Sixth	50%
Seventh	40%
Eighth	30%
Ninth	20%
Tenth	10%

After the tenth year, the exemption shall terminate.

B. The exemption from real estate taxes authorized by this Part shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

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11. Editor's Note: See 75 P.S. § 4727.

C. The exemption from real estate taxes authorized by this Part shall terminate irrevocably upon default in the payment in full of current real estate taxes, together with accrued penalties and/or interest, due to be paid upon the new construction or improvements to deteriorated property exempted. For purposes of this Part, a default shall be considered to have occurred if such payment is not made in accordance with the tax bill issued upon the new construction or improvements to deteriorated property on or before February 15 of the year following the year in which such tax bill is issued. The provisions of this section shall apply prospectively only to deny the continued exemption of the real estate taxes upon the new construction or improvements to deteriorated property commencing with the first fiscal year following the year for which the tax bill was issued upon which the default occurred. **[Amended 12-6-1995 by Ord. No. 125-1995]**

§ 543-206. Exemption procedure; applicable schedule. [Amended 3-28-1990 by Ord. No. 27-1990; 5-29-2001 by Ord. No. 14-2001]

A. Requests for tax exemption as herein provided shall be made in writing on a form provided by the City at the time a building permit is secured or if no building permit or other notification of improvements is required, at the time s/he commences construction. **[Amended 7-12-2010 by Ord. No. 30-2010]**

B. The Administrative Services Director shall forward a copy of the request for exemption to the Berks County Board of Assessment Appeals.[12]

C. The Board shall, after the new construction or improvement to deteriorated property is completed, assess the new construction or assess the improvement separately and calculate the amount of the assessment eligible for tax exemption in accordance with the limits established by the City and notify the taxpayer and the City of the reassessment and the amount of the assessment eligible for exemption. All abatements shall begin following notification to the City from the Board of an increase in the assessment attributable to the improvement or the new construction. Appeals from the reassessment in the amounts determined to be eligible for the exemption may be taken by the taxpayer or the City as provided by law.

D. The assessment attributable to the cost of new construction or improvements to deteriorated property to be exempted and the schedule of taxes exempted existing at the time of the initial request for tax exemption, shall be applicable to that exemption request, and subsequent amendments to this Part, if any, shall not apply to requests initiated prior to their adoption.

§ 543-207. Subsequent reduction assessment. [Added 3-28-1990 by Ord. No. 27-1990]

In the event that the taxpayer shall receive by whatever means, a reduced assessment with regard to part or all of his, her or its property which is currently the subject of the tax exemption provided in this Part, such reduced assessment shall be applied proportionately to the portion of the assessed value which is subject to a tax exemption and the portion of the assessed value which is not subject to a tax exemption, and shall result in a reduction of tax exemption which was initially granted for purposes of the number of exemption years still remaining on the exemption schedule.

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12. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 543-208. Authority to administer. [Added 3-28-1990 by Ord. No. 27-1990; amended 5-29-2001 by Ord. No. 14-2001[13]]

The Administrative Services Director of the City shall have the authority for administering and monitoring the tax exemption program covered by this Part and shall have the authority to deny any and all tax exemption requests when they do not meet or comply with the terms of this Part.

§ 543-209. Termination. [Amended 12-27-1989 by Ord. No. 121-1989; 3-28-1990 by Ord. No. 27-1990; 12-24-1991 by Ord. No. 131-1991; 12-29-1993 by Ord. No. 126-1993; 12-6-1995 by Ord. No. 125-1995; 6-8-1998 by Ord. No. 21-1998; 2-28-2000 by Ord. No. 3-2000; 12-13-2004 by Ord. No. 54-2004; 7-12-2010 by Ord. No. 30-2010]

Unless otherwise repealed by Council, this Part shall terminate December 31, 2020. Any property tax exemptions created under the provisions of this Part shall be permitted to continue even if this Part expires or is repealed.

13. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Part 3
Enterprise Zone LERTA Opportunity

[Adopted 12-9-1996 By Ord. No. 40-1996 (Ch. 24, Part 7C, Of The 2001 Code Of Ordinances)]

§ 543-301. Short title.

This Part shall be known as and may be cited as the "Enterprise Zone LERTA Opportunity Ordinance," which is a short form of the "Enterprise Zone Local Economic Revitalization Tax Assistance Opportunity Ordinance."

§ 543-302. Purpose.

The purpose of this Part is to serve as an additional encouragement of investment and reinvestment in industrial, commercial and other business property in the City of Reading, pursuant to the authority contained in the Local Economic Revitalization Tax Assistance Act, enacted December 1, 1977,[14] by creating a special opportunity area within the area covered by the current Reading LERTA Ordinance [Part 2 of this chapter].

§ 543-303. Definitions.

For the purposes of this Part, all words used in the present tense include future tense, all words in the plural number include the singular number and all words in singular number include the plural number, unless the natural construction of the sentence clearly indicates otherwise. The word "shall" is mandatory and not directory. As used in this Part, certain terms are defined as follows:

ASSESSMENT AGENCY — The Berks County Board of Assessment Appeals.

CITY — The City of Reading.

DETERIORATED PROPERTY — Any industrial, commercial or other business property owned by an individual, association or corporation, and located in an investment opportunity area, as hereinafter defined, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned, or demolished by reason of noncompliance with laws, ordinances or regulations.

ENTERPRISE ZONE INVESTMENT OPPORTUNITY AREAS — Deteriorated areas as defined in the Local Economic Revitalization Tax Assistance Act, enacted as of December 1, 1977. For the purposes of this Part, the geographic area of the City outlined on Exhibit "A" attached hereto and incorporated herein by reference,[15] and identified as the "enterprise zone tax abatement opportunity area," constitutes the investment opportunity area within the purview of this Part.

IMPROVEMENT — Repair, construction or reconstruction commencing after the effective date of this Part, including alterations and additions having the effect of rehabilitating a structure so that it becomes habitable or attains higher standards of housing safety, health or amenity, or is brought into compliance with laws, ordinances or regulations governing housing standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

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14. Editor's Note: See 72 P.S. § 4722 et seq.

15. Editor's Note: Exhibit A is on file in the City offices.

§ 543-304. Exemption for new construction and improvements; permits and compliance with law required.

A. There is hereby exempted from real estate taxation, in the amounts and in accordance with the provisions and limitations hereinafter provided, that portion of the assessment attributable to new construction in an enterprise zone investment opportunity area and to the improvements made to deteriorated property, as defined herein.

B. In all cases, the exemption from real estate taxes shall be limited to that portion of the additional assessment attributable to the actual cost of the improvement to deteriorated property for which a separate assessment has been made by the Berks County Board of Assessment Appeals and for which an exemption has been separately requested, and for the assessed valuation of new construction within the designated investment opportunity area.

C. No property shall be entitled to a tax exemption as herein provided unless the necessary and proper permits prior to new construction or improving the deteriorated property have been applied for and obtained in accordance with the requirements of § 6 of the Local Economic Revitalization Tax Assistance Act.[16]

D. No tax exemption shall be granted if the new construction or improvements to deteriorated property as completed do not comply with all ordinances, rules, regulations, statutes and other applicable laws.

E. For purposes of this Part, any new structure or improvement to an existing structure that contains three or more dwelling units and that otherwise qualifies under the terms of this Part, shall be treated as commercial real property subject to the terms of this Part.

§ 543-305. Exemption schedule; termination of exemption upon tax delinquency.

A. A portion of the assessment of a property attributable to new construction or improvements to deteriorated property as determined by the Assessment Agency to be exempted from taxation shall be in accordance with the schedule below unless sooner terminated in accordance with Subsection C below:

Year	Percentage Exempted
First	100%
Second	100%
Third	100%
Fourth	100%
Fifth	80%
Sixth	60%
Seventh	40%
Eighth	20%
Ninth	0%

After the eighth year, the exemption shall terminate.

16. **Editor's Note: See 72 P.S. § 4727.**

B. The exemption from real estate taxes authorized by this Part shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

C. The exemption from real estate taxes authorized by this Part shall terminate irrevocably upon default in the payment in full of all current real estate taxes, together with accrued penalties and/or interest, due to be paid upon the deteriorated property exempted. For purposes of this Part, a default shall be considered to have occurred if such payment is not made in accordance with the tax bill issued upon the deteriorated property on or before February 15 of the year following the year in which such tax bill is issued. The provisions of this section shall apply prospectively only to deny the continued exemption of the real estate taxes upon the deteriorated property commencing with the first fiscal year following the year for which the tax bill was issued upon which the default occurred.

§ 543-306. Procedure for obtaining exemption.

A. Requests for tax exemption as herein provided shall be made in writing on a form provided by the City at the time a building permit is secured, but in no event shall a request for tax exemption be accepted any later than six months after the Berks County Board of Assessment Appeals has issued their assessment on the new construction or improvement.

B. The Community Development Department shall forward a copy of the Request for Exemption to the Berks County Board of Assessment Appeals.

C. The Board shall, after the new construction or improvement to deteriorated property is completed, assess the new construction or assess the improvement separately and calculate the amount of the assessment eligible for tax exemption in accordance with the limits established by the City and notify the taxpayer and the City of the reassessment and the amount of the assessment eligible for exemption. All abatements shall begin following notification to the City from the Board of an increase in the assessment attributable to the improvement or the new construction. Appeals from the reassessment in the amounts determined to be eligible for the exemption may be taken by the taxpayer or the City as provided by law.

D. The assessment attributable to the cost of new construction or improvements to deteriorated property to be exempted and the schedule of taxes exempted existing at the time of the initial request for tax exemption, shall be applicable to that exemption request, and subsequent amendments to this Part, if any, shall not apply to requests initiated prior to their adoption.

E. Notwithstanding anything to the contrary in this Part, no request for tax exemption under this Part shall be granted concerning any deteriorated property until all past due real estate taxes, together with accrued penalties and/or interest, which have been returned to the Berks County Tax Claim Bureau upon that property have been paid in full and satisfactory evidence thereof has been provided to the Administrative Services Department of the City. All requests shall be denied irrevocably if such taxes, penalties and interest are not paid and satisfactory evidence thereof provided prior to six months after the Berks County Board of Assessment Appeals has issued their assessment on the new construction or improvement.

§ 543-307. Subsequent reduction assessment.

In the event that the taxpayer shall receive, by whatever means, a reduced assessment with regard to part or all of his, her or its property which is currently the subject of the tax exemption provided in this Part, such reduced assessment shall be applied proportionately to the portion of the assessed value which is subject to a tax exemption and the portion of the assessed value which is not subject to a tax exemption, and shall result in a reduction of tax exemption which was initially granted for purposes of the number of exemption years still remaining on the exemption schedule.

§ 543-308. Authority to administer.

The Administrative Services Department of the City shall have the authority for administering and monitoring the tax exemption program covered by this Part and shall have the authority to deny any and all tax exemption requests when they do not meet or comply with the terms of this Part.

§ 543-309. Termination. [Amended 2-28-2000 by Ord. No. 4-2000]

Unless otherwise repealed by Council, this Part shall terminate December 31, 2003. Any property exemptions granted under the provisions of this Part shall be permitted to continue even if this Part expires or is repealed.

Chapter 546

TAX AMNESTY PROGRAM

§ 546-101. Rules and regulations.
§ 546-102. Terms of program.
§ 546-103. Agreement with taxpayer.

[HISTORY: Adopted by the City Council of the City of Reading 5-14-2012 by Ord. No. 54-2012. Amendments noted where applicable.]

GENERAL REFERENCES

Tax abatements — See Ch. 543.
Taxation — See Ch. 549.

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§ 546-101. Rules and regulations.

The City of Reading shall promulgate rules and regulations to implement the tax amnesty program, applicable to any tax authorized by the City of Reading Code that is collected internally or externally.

§ 546-102. Terms of program.

The administration shall define the terms of the program including the tax or taxes covered in each tax amnesty program period, define the amnesty period and define the amount of penalty and interest charges, in whole or in part, that will be set aside, which will be approved by an ordinance enacted by Council.

§ 546-103. Agreement with taxpayer.

The City shall execute an agreement with a participating taxpayer that sets forth the taxpayer's obligation during the amnesty period to make payment of all delinquent taxes. At the conclusion of the amnesty period, all penalties and interest charges shall apply.

Chapter 549

TAXATION

Part 1
Discounts and Penalties

§ 549-101. Discounts for prepayment.
§ 549-102. Payment months.
§ 549-103. Penalties for delinquency.
§ 549-104. Notices of tax due.

Part 2
Earned Income Tax

§ 549-201. Definitions.
§ 549-202. Imposition of tax.
§ 549-203. Returns and payment.
§ 549-204. Employers' collection at source.
§ 549-205. Employers' failure to deduct; deduction held as trust fund.
§ 549-206. Suit for collection of tax, interest and penalties.
§ 549-207. Disputes; refunds.
§ 549-208. Income Tax Officer.

Part 3
Realty Transfer Taxes

A
Realty Transfer Taxes

§ 549-301. Short title.
§ 549-302. Authority.
§ 549-303. Definitions.
§ 549-304. Imposition of tax; interest.
§ 549-305. Exempt parties.
§ 549-306. Excluded transactions.
§ 549-307. Documents relating to associations or corporations and members, partners, stockholders or shareholders thereof.
§ 549-308. Acquired company.
§ 549-309. Credits against tax.
§ 549-310. Extension of lease.
§ 549-311. Proceeds of judicial sale.
§ 549-312. Duties of Recorder of Deeds.
§ 549-313. Statement of value.
§ 549-314. Civil penalties.
§ 549-315. Lien.
§ 549-316. Enforcement.
§ 549-317. Regulations.

B
Home Rule Realty Transfer Tax

§ 549-318. Definitions.
§ 549-319. Tax levy and rate.
§ 549-320. Properties partially within the City.
§ 549-321. Due date.
§ 549-322. Instrument of conveyance contents.
§ 549-323. Exceptions.
§ 549-324. Instrument of conveyance to be stamped upon payment.
§ 549-325. Enforcement by Administrative Services Director.
§ 549-326. Administrative Services Director to furnish stamp.
§ 549-327. Collection by Recorder of Deeds.
§ 549-328. Lien authorized.
§ 549-329. Authority to enact.
§ 549-330. Prohibited activities.
§ 549-331. Effective date.
§ 549-332. Violations and penalties.

Part 4
Business Privilege Tax

§ 549-401. Short title.
§ 549-402. Definitions.
§ 549-403. Tax levied; rate; business volume computed; exemptions.
§ 549-404. Returns; payment; interest penalty.
§ 549-405. Business privilege license.
§ 549-406. Violations and penalties.
§ 549-407. Duties of City Administrative Services Director.
§ 549-408. Confidential nature of information.
§ 549-409. Suit on collection; costs.
§ 549-410. Savings clause; separability.

Part 5
Business Privilege Tax Regulations

§ 549-501. Purpose.
§ 549-502. Definitions.
§ 549-503. Business.
§ 549-504. What constitutes doing business in the City.
§ 549-505. Allocation of business done and gross volume of business.
§ 549-506. Interstate commerce.
§ 549-507. Contractors performing building or construction work outside the City of Reading.
§ 549-508. Brokers and agents with out-of-City offices.
§ 549-509. Tax rate.
§ 549-510. Persons, businesses and receipts exempted.
§ 549-511. State tax or license.
§ 549-512. Utilities.
§ 549-513. Properties subject to state tax.
§ 549-514. Products manufactured or grown in the City.
§ 549-515. Determination of gross or whole volume of business.
§ 549-516. Partial exemptions.
§ 549-517. When same tax is imposed by two taxing bodies.
§ 549-518. Records.
§ 549-519. Returns.
§ 549-520. License.
§ 549-521. Violations and penalties.
§ 549-522. Continuing offense.
§ 549-523. Powers and duties of business administrator.
§ 549-524. Confidential nature of returns, etc.
§ 549-525. Suit on collection and penalty.

Part 6
Per Capita Tax

§ 549-601. Definitions.
§ 549-602. Levy and collection.
§ 549-603. Amount.
§ 549-604. Notice.
§ 549-605. Discount, penalty and interest.
§ 549-606. Enforcement by Administrative Services Director.
§ 549-607. Not a substitute tax.
§ 549-608. (Reserved)
§ 549-609. Violations and penalties.

Part 7
Amusement Tax

§ 549-701. Establishment of an admission tax.
§ 549-702. Definitions.
§ 549-703. Permits.
§ 549-704. Imposition of tax.
§ 549-705. Collection and payment of tax.
§ 549-706. Reports, interest and penalties.

§ 549-707. Audits.
§ 549-708. Violations and penalties.

Part 8
Local Services Tax

§ 549-801. Definitions.
§ 549-802. Levy of tax.
§ 549-803. Penalty and interest.
§ 549-804. Exemption and refunds.
§ 549-805. Duty of employers to collect.
§ 549-806. Returns.
§ 549-807. Dates for determining tax liability and payment.
§ 549-808. Self-employed individuals.
§ 549-809. Individuals engaged in more than one occupation or employed in more than one political subdivision.
§ 549-810. Nonresidents subject to tax.
§ 549-811. Administration of tax.
§ 549-812. Suits for collection.
§ 549-813. Violations and penalties.
§ 549-814. Interpretation.

Part 9
Nonresident Earned Income and Net Profits Tax

§ 549-901. Tax on nonresidents subject to tax in domicile.
§ 549-902. Tax on nonresidents not subject to tax in domicile.
§ 549-903. Tax percentage to equal 1.3%.
§ 549-904. Imposition of tax.
§ 549-905. Tax not shared with school district; credit for tax paid to home municipality.
§ 549-906. Use of revenue.
§ 549-907. Collection.
§ 549-908. Effective date.

Part 10
Home Rule Earned Income Tax

§ 549-1001. Definitions.
§ 549-1002. Imposition of tax.
§ 549-1003. Annual returns of taxpayers.
§ 549-1004. Declaration and payment of tax.
§ 549-1005. Collection at source.
§ 549-1006. Income Tax Officer; powers and duties.
§ 549-1007. Suit for collection of tax.
§ 549-1008. Interest on unpaid tax.
§ 549-1009. Payment and refunds.
§ 549-1010. Applicability.
§ 549-1011. Effective term.
§ 549-1012. Rules and regulations.
§ 549-1013. Hearing Officer.
§ 549-1014. Violations and penalties.

Part 11
Home Rule Per Capita Tax

§ 549-1101. Imposition of tax.
§ 549-1102. Discount, penalty and interest.
§ 549-1103. Exploration of alternatives.
§ 549-1104. Authority.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Business privilege license — See Ch. 339, Part 2.

Tax amnesty program — See Ch. 546.

STATE LAW REFERENCES

Local Tax Collection Law — See 72 P.S. § 5511.1 et seq.

Power to tax — See 53 P.S. § 6924.101 et seq.

Real estate transfer tax — See 72 P.S. § 8101-C and D et seq.

Administration, collection and enforcement — See 53 P.S. § 6924.101 et seq.

Exonerations — See 72 P.S. § 5511.37.

Amusement tax — See 53 P.S. § 6924.301.1.

Part 1
Discounts And Penalties

[Adopted 11-28-1945 By Ord. No. 33-1945 (Ch. 24, Part 8, Of The 2001 Code Of Ordinances)]

§ 549-101. Discounts for prepayment.

All persons or corporations owing City taxes who make payment thereof during the months of March or April in each year shall be entitled to a reduction or abatement of 2% from the amount thereof.

§ 549-102. Payment months.

All City taxes shall be payable in full during the months of May and June of each year.

§ 549-103. Penalties for delinquency. [Amended 10-13-1976 by Ord. No. 33-1976; 8-26-2002 by Ord. No. 44-2002]

A. All bills to owners for delinquent real estate taxes shall be subject to interest, penalty and collection fees.

B. A 10% penalty shall attach to and be added to the gross amount of any unpaid real estate tax bill on July 1 of the tax year and interest at the rate of 10% per annum shall also accrue beginning July 1 of the tax year.

C. Any unpaid real estate tax bill on July 1 of the tax year shall be subject to collection fees consisting of reasonable attorney's fees and other costs incurred by the City.

§ 549-104. Notices of tax due. [Amended 5-29-2001 by Ord. No. 14-2001]

It shall be the duty of the City Administrative Services Director as Tax Collector or the Administrative Services Director to notify all taxpayers with a tax notice prepared in conformity with § 6 of Act 394 of May 25, 1945, P.L. 1050 (72 P.S. § 5511.6), through the mails, prior to March 1 of each and every year.

Part 2
Earned Income Tax[1]

[Adopted 12-18-1968 By Ord. No. 57-1968 (Ch. 24, Part 2A, Of The 2001 Code Of Ordinances)]

§ 549-201. Definitions.

The following words and phrases as defined in § 13 of the Local Tax Enabling Act (53 P.S. § 6913),[2] when used in this Part, shall have the meanings ascribed to them in Local Tax Enabling Act.

A. Association.

B. Business.

C. Corporation.

D. Current year (Note: for the year 1969, "current year" shall commence January 18, 1969).

E. Domicile.

F. Earned income.

G. Employer.

H. Income Tax Officer or Officer.

I. Net profits.

J. Nonresidents.

K. Person or individual.

L. Preceding year.

M. Resident.

N. Succeeding year.

O. Taxpayer.

§ 549-202. Imposition of tax.

A. A tax for general revenue purposes of 1% is hereby imposed on the following:

(1) Earned income received on and after January 18, 1969, by individual residents of the City of Reading.

(2) Earned income received on and after January 18, 1969, by individual nonresidents of the City of Reading in the City of Reading.

(3) Net profits, earned on and after January 18, 1969, by residents of the City of Reading.

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1. **Editor's Note: Res. No. 666-1992, 11-10-1992, Approved Rules And Regulations For The Administration And Enforcement Of The Earned Income Tax Ordinance As Prescribed And Adopted By The Income Tax Officer.**

2. **Editor's Note: See now 53 P.S. § 6924.301.**

(4) Net profits, earned on and after January 18, 1969, by nonresidents of the City of Reading.

B. The tax levied under Subsection A(1) and (2) herein shall relate to and be imposed upon earned income paid by an employer or on his behalf to a person who is employed by him. The tax levied under Subsection A(3) and (4) herein shall relate to and be imposed on the net profits of any business, profession or other activity carried on by any person or persons.

C. The tax levied by this Part shall be applicable to earned income tax received and to net profits earned in the period beginning January 18, 1969, and ending December 31, 1969. Thereafter, this tax shall continue in force on a calendar year or taxpayer fiscal year basis without annual reenactment.

§ 549-203. Returns and payment. [Amended 11-26-1969 by Ord. No. 66-1969]

A. Every taxpayer earning net profits or receiving earned income in the current year shall, on or before April 15 of the succeeding year, make and file with the Income Tax Officer a final return thereof (on forms, and furnishing information, prescribed by the Income Tax Officer) and pay the tax (or balance thereof after crediting employers' withholding and quarterly payments on net profits and earned income not subject to withholding) due thereon.

B. Further details concerning taxpayers' payment and making returns on tax levied by this Part are set forth in mandatory provisions, and also in the optional provisions (hereby adopted by this City Council) relating to quarterly returns and payment and final returns and payments of tax in § 13(III) of the Enabling Act. This City Council hereby adopts the optional provisions in § 13(III) relating to filing of declarations of estimated net profits and quarterly returns and payments of tax by taxpayers; and further adopts the optional provisions of § 13(III)(B)(2) relating to quarterly returns and payments of earned income not subject to withholding.

C. When the return of a taxpayer is made for a fiscal year different from the calendar year, the quarterly returns and payments and final returns and payments shall be made in the same manner as a taxpayer on the calendar-year basis, except that the return and payment dates shall correspond to the fiscal year in the same manner as the return and payment dates correspond to the calendar year.

§ 549-204. Employers' collection at source. [Amended 6-25-2001 by Ord. No. 23-2001; 8-8-2005 by Ord. No. 50-2005; 8-22-2005 by Ord. No. 54-2005]

A. Every employer within the City is required to register, to deduct tax from employees' earned income, to file quarterly reports and make remittances and to do other acts as set forth in § 13(IV) of the Local Tax Enabling Act.

B. In addition, every employer having a factory, workshop, branch, warehouse or other place of business within the City is required to register to deduct tax from the earned income of the employees employed outside the City but domiciled within the City, to file quarterly reports and make remittances and do other acts as fully set forth in § 13(IV) of the Local Tax Enabling Act.

C. Employers, or their representatives, who are required to file 50 or more W-2 forms with the City of Reading must file those forms in accordance with the City of Reading Magnetic

Media Reporting and Electronic Filing Guidelines. An employer who does not comply with the requirements for filing will be penalized by the Income Tax Officer at a rate of $20 per W-2 submitted exceeding 50.

§ 549-205. Employers' failure to deduct; deduction held as trust fund.

A. The failure or omission of any employer to make the deduction required by § 549-204 hereof shall not relieve any employee from the payment of the tax or from complying with the requirements of this Part relating to the filing of declarations and returns.

B. If an employer makes a deduction of tax as required by this Part, the amount deducted shall constitute in the hands of such employer, a trust fund held for the account of the City as beneficial owner thereof and the employee from whose salaries, wages, commissions or other compensation such tax was deducted shall be deemed to have paid such tax.

§ 549-206. Suit for collection of tax, interest and penalties.

A. Suits for collection of tax are hereby authorized and interest and penalties shall be imposed as provided in § 13(VII) and (VIII) of the Enabling Act.

B. The failure of any person to receive or procure forms required for making the declaration or returns required by this Part shall not excuse him from making such declaration or return.

C. Notwithstanding prior mention in this Part, for convenience of reference only, of specific subsections of § 13 of said Act, all provisions of the entire § 13 of said Act, except optional provisions specifically excluded in § 549-203Bof this Part, are hereby incorporated into this Part by this reference as required by the Enabling Act. Any provisions which any future supplements to or amendments of the Enabling Act may require to be included in or construed to be a part of any tax on earned income or net profits, or any ordinance levying the same, shall automatically become a part of this Part upon the effective date of such supplement or amendment, without the need for formal amendment of this Part by the Council of the City of Reading.

§ 549-207. Disputes; refunds.

The Income Tax Officer is hereby authorized to accept payment of the amount of tax claimed by the City in any case where any person disputes the validity or amount of the City's claim for the tax. If it is thereafter judicially determined by a court of competent jurisdiction that there has been an overpayment to the Income Tax Officer, the amount of the overpayment shall be refunded to the person who paid.

§ 549-208. Income Tax Officer.

The Income Tax Officer shall perform all the duties, be subject to all the requirements, and have all the powers prescribed by § 13(V) of the Enabling Act. Such Income Tax Officer shall receive such compensation for his services and expenses as determined by the Council of the City.

Part 3
Realty Transfer Taxes

[Adopted 12-31-1968 By Ord. No. 65-1968; Amended In Its Entirety 5-29-2001 By Ord. No. 14-2001 (Ch. 24, Part 3A, Of The 2001 Code Of Ordinances)]

[Adopted 12-31-1968 by Ord. No. 65-1968; amended in its entirety 5-29-2001 by Ord. No. 14-2001 (Ch. 24, Part 3A, of the 2001 Code of Ordinances)]

A
Realty Transfer Taxes

§ 549-301. Short title.

This Part shall be known as the "Realty Transfer Tax Ordinance" of the City of Reading.

§ 549-302. Authority.

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within or without the City, regardless of where the documents making the transfer are made, executed or delivered, or where the actual settlements on such transfer took place, as authorized by Article XI-D, Local Real Estate Transfer Tax, 72 P.S. § 8101 et seq.

§ 549-303. Definitions.

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

ASSOCIATION — A partnership, limited partnership or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent's estate.

CITY — The City of Reading.

CORPORATION — A corporation, joint-stock association, business trust or banking institution which is organized under the laws of this commonwealth, the United States or any other state, territory, foreign country or dependency.

DOCUMENT — Any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title of real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding 30 years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under § 549-302.

FAMILY FARM CORPORATION — A corporation of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

A. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing.

B. The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities.

C. Fur farming.

D. Stockyard and slaughterhouse operations.

E. Manufacturing or processing operations of any kind.

MEMBERS OF THE SAME FAMILY — Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

PERSON — Every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both. The term "person" as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.

REAL ESTATE —

A. All lands, tenements or hereditaments within this City including, without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables or interests which by custom, usage or law pass with a conveyance of land, but excluding permanently attached machinery and equipment in an industrial plant.

B. A condominium unit.

C. A tenant-stockholder's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

REAL ESTATE COMPANY — A corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, 90% or more of the ownership interest in which is held by 35 or fewer persons and which:

A. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate; or

B. Holds real estate, the value of which comprises 90% or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.

TITLE TO REAL ESTATE —

A. Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years including, without limitation, an estate in fee simple, life estate or perpetual leasehold; or

B. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold including, without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of 30 years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

TRANSACTION — The making, executing, delivering, accepting or presenting for recording of a document.

VALUE —

A. In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other

encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against real estate; provided, that where such documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale.

B. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations.

C. In the case of an easement or other interest in real estate, the value of which is not determinable under Subsection A or B, the actual monetary worth of such interest.

D. The actual consideration for or actual monetary worth of any executory agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

§ 549-304. Imposition of tax; interest.

A. Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect to the transaction or any part thereof, a tax at the rate of 1% of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within 30 days of acceptance of such document or within 30 days of becoming an acquired company.

B. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.

C. It is the intent of this Part that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. § 6901 et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer, then the tax levied by the City Council under the authority of that Act shall during the time such duplication of the tax exists, except as hereinafter otherwise provided, be 1/2 of the rate and such 1/2 shall become effective without any action on the part of the City Council; provided, however, that the City and any other political subdivision which impose such tax on the same person or transfer may agree that, instead of limiting their respective rates to 1/2 of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.

D. If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due shall be added and collected.

§ 549-305. Exempt parties.

The United States, the commonwealth or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this Part. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

§ 549-306. Excluded transactions.

A. The tax imposed by § 549-304 shall not be imposed upon:

(1) A transfer to the Commonwealth, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed or confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments, provided said reconveyance is made within one year from the date of condemnation.

(2) A document which the City is prohibited from taxing under the Constitution or statutes of the United States.

(3) A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim department sale.

(4) A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record legal title or interest.

(5) A transfer or division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.

(6) A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.

(7) A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.

(8) A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made

directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the Recorder of Deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.

(9) A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.

(10) A transfer for no or nominal actual consideration from trustee to successor trustee.

(11) A transfer for no or nominal actual consideration between principal and agent or straw party; or from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this Part. Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this subsection.

(12) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Part.

(13) A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.

(14) A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority.

(15) A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if: the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture; and the agency or authority has the full ownership interest in the real estate transferred.

(16) A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.

(17) Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.

(18) A transfer to a conservancy which possesses a tax exempt status pursuant to § 501(c)(3) of the Internal Revenue Code of 1986, [68A Stat. 3, 26 U.S.C.

§ 501(c)(3)] and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.

(19) A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least 75% of each class of the stock thereof.

(20) A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.

(21) A transaction wherein the tax is $1 or less.

(22) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

B. In order to exercise any exclusion provided in this section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Part.

§ 549-307. Documents relating to associations or corporations and members, partners, stockholders or shareholders thereof.

Except as otherwise provided in § 549-306, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this section, corporations and associations are entities separate from their members, partners, stockholders and shareholders.

§ 549-308. Acquired company.

A. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company; and of itself or together with prior changes has the effect of transferring, directly or indirectly, 90% or more of the total ownership interest in the company within a period of three years.

B. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Part.

C. Within 30 days after becoming an acquired company, the company shall present a declaration of acquisition with the recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

§ 549-309. Credits against tax.

A. Where there is a transfer of a residential property by a licensed real estate broker, which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.

B. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as a consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.

C. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.

D. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of the tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.

E. If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

§ 549-310. Extension of lease.

In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

§ 549-311. Proceeds of judicial sale.

The tax herein imposed shall be fully paid, and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made except the state realty transfer tax, and the sheriff, or other officer, conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

§ 549-312. Duties of Recorder of Deeds.

A. As provided in 16 P.S. § 11011-6, as amended by Act of July 7, 1983, (P.L. 40, No. 21), the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to City based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from the City.

B. In order to ascertain the amount of the taxes due when the property is located in more than one political subdivision, the recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.

C. On or before the 10th of each month, the recorder shall pay over to the City all local realty transfer taxes collected, less 2% for use of the county, together with a report containing the

information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The 2% commission shall be paid to the county.

D. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the recorder shall rerecord the deed or record the additional realty transfer tax form only when both the state and local amounts and a rerecording or recording fee has been tendered.

§ 549-313. Statement of value.

Every document lodged with or presented to the Recorder of Deeds for recording shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this section shall not apply to any excludable real estate transfers which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part.

§ 549-314. Civil penalties.

A. If any part of any underpayment of taxes imposed by this Part is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.

B. In the case of failure to record a declaration required under this Part on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax 5% of the amount of such tax if the failure is for not more than one month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 50% in the aggregate.

§ 549-315. Lien.

The tax imposed by this Part shall become a lien upon the lands, tenements or hereditaments, or any interest therein, lying, being situated, wholly or in part within the boundaries of the City, which lands, tenements, hereditaments or interest therein, are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this Part, said lien to begin at the time when the tax under this Part is due and payable, and continue until discharged by payment, or in accordance with the law, and the City Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Berks County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. § 7101 et seq., its supplements and amendments.

§ 549-316. Enforcement.

All taxes imposed by this Part, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

§ 549-317. Regulations.

The Recorder of Deeds of Berks County is charged with enforcement and collection of tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. § 8101-C et seq. are incorporated into and made a part of this Part.

B

Home Rule Realty Transfer Tax
[Adopted 11-27-2006 by Ord. No. 80-2006 (Ch. 24, Part 3B, of the 2001 Code of Ordinances)]

§ 549-318. Definitions.

A. As used in this Part 8B, certain terms are defined as follows except where the context clearly indicates a different meaning:

DEED — Any deed, instrument or writing whereby any lands, tenements or hereditaments within the City or any interest therein shall be granted, bargained, sold or otherwise conveyed to the grantee, purchaser or any other person, but does not include wills, mortgages, transfers between husband and wife, transfers between parent and child or the spouse of such child and leases.

PERSON — Every natural person, association, partnership or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person," as applied to associations, shall mean the partners or members thereof, and, as applied to corporations, the officers thereof.

TRANSACTION — The making, executing, delivering, accepting or presenting for recording of a document of any type or kind transferring title to or any interest in real property located within the City.

VALUE — In the case of any document granting, bargaining, selling or otherwise conveying any land, tenement or hereditament, or interest therein, the amount of the actual consideration therefor, including liens or other encumbrances thereon and ground rents, or a commensurate part of the liens or other encumbrances thereon and ground rents where such liens or other encumbrances and ground rents also encumber or are charged against other lands, tenements or hereditaments; provided, that where such documents shall set forth a small or nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale, or, in the case of a gift, or any other document without consideration, from the actual monetary worth of the property granted, bargained, sold or otherwise conveyed, which in either event, shall not be less than the amount of the highest assessment of such lands, tenements or hereditaments for local tax purposes.

B. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 549-319. Tax levy and rate.

A. Rate and time of payment. A tax in the amount of 3.5% of the value is hereby imposed upon each transfer of any interest in real property situated within the City regardless of where the document is made, executed or delivered, or where the actual settlement on each transfer takes place. The tax shall be payable at the time of delivery of the document.

B. Determination of tax liability. Every person who accepts delivery of any document, or on whose behalf delivery of any document is accepted, shall be liable for the payment of the tax, except that where any document is delivered to the commonwealth, a political subdivision or to an authority created by the commonwealth or a political subdivision, the

person by whom the document was made, executed, issued or delivered shall be liable for the payment of the tax.

C. Relation to § 24-804. The tax levied by this Part 8B shall be in addition to the tax imposed under § 549-304 of this chapter.

§ 549-320. Properties partially within the City.

Where land lying partly within the boundaries of the City and partly without such boundaries of the City are transferred, the tax herein imposed shall be calculated upon such portion of the value as shall be represented by the portion of such lands lying within the boundaries of the City, such apportionment of value to be evidenced by the affidavit or certificate of value hereinafter provided for, but shall in no event be less than the highest assessed valuation for local tax purposes, placed upon the same in the assessment of property within the City.

§ 549-321. Due date.

The tax levied hereunder shall be due and payable and shall be paid at the time of delivery of the instrument of transfer.

§ 549-322. Instrument of conveyance contents.

Every instrument of conveyance, effecting a transfer of title to real property or interest therein, located in the City, shall set forth as part of such instrument the full, complete and actual consideration for the transfer of real property described therein, or shall be accompanied by a certificate of any attorney at law or an affidavit executed by a responsible person connected with the transaction showing such connection and setting forth the true, full, complete and actual value thereof and if the privilege of making such transfer is not taxable hereunder, the facts by reason of which such nontaxability exists. Every transaction subject to the realty transfer tax under Act 77 of the General Assembly of the Commonwealth of Pennsylvania, approved July 2, 1986, shall be subject to the tax herein imposed.

§ 549-323. Exceptions.

The real property transfer tax shall not be imposed upon the following transfers:

A. Wills.

B. Leases.

C. Mortgages.

D. Conveyances to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for debt contracted at the time of the conveyance, under which the trustee is not the lender, and requiring the trustee to make reconveyance to the grantor-borrower upon the payment of the debt.

E. Transfers between husband and wife.

F. Transfers between persons who were previously husband and wife but who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce,

except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.

G. Transfer between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.

H. Correctional deeds without consideration.

I. Transfers by and between a principal and straw party for the purpose of placing a mortgage, or ground rent upon the premises.

J. Transfers from a purchase money mortgagor to the vendor holding the purchase money mortgage, whether pursuant to a foreclosure or in lieu thereof.

K. Transfers from the commonwealth or political subdivisions or from authorities created by the commonwealth or political subdivision to any of such public bodies.

L. Conveyances to political subdivisions pursuant to acquisition by the political subdivision of tax delinquent properties at any sheriff's sale.

M. Transfers to the United States, the commonwealth, or to any of their instrumentalities by gift or dedication, or by deed of confirmation in connection with a gift, dedication, condemnation proceeding or in lieu thereof, or reconveyance by a condemning body of the property condemned to the owner of record at the time of condemnation, which reconveyance may include property line adjustments, provided the reconveyance is made within one year of the date of condemnation.

N. Transfers between religious organizations or other bodies or persons holding title to real estate for a religious organization if the real estate is not being or has not been used by such transferor for commercial purposes.

O. Transfer between corporations operating housing projects pursuant to the Housing and Redevelopment Assistance Law[3] and the shareholders thereof.

P. Transfers to nonprofit industrial development agencies.

Q. Transfers between nonprofit industrial development agencies and industrial corporations purchasing from them.

R. Transfers from a political subdivision or public authority, created under the laws of the Commonwealth of Pennsylvania, of a multipurpose stadium to a private entity or person.

S. Transfers for no or nominal actual consideration.

(1) Transfer for no or nominal actual consideration to a trustee of a living trust from the settlor of the living trust. No such exemption shall be granted unless the Recorder of Deeds is presented with a copy of the living trust instrument.

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3. Editor's Note: See 35 P.S. § 1661 et seq.

(2) Transfer for no or nominal actual consideration from a trustee of a living trust after the death of the settlor of the trust or from a trustee of a trust created pursuant to the will of a decedent to a beneficiary to whom the property is devised or bequeathed.

(3) Transfer for no or nominal actual consideration from the trustee of a living trust to the settlor of the living trust if such property was originally conveyed to the trustee by the settlor.

§ 549-324. Instrument of conveyance to be stamped upon payment.

The payment of the tax imposed by this Part 8B shall be evidenced by a stamp impressed upon or affixed to every instrument or deed of conveyance, and the Administrative Services Director, or his agent, using such stamp shall indelibly write thereon his name, the amount of the tax paid and the date of payment.

§ 549-325. Enforcement by Administrative Services Director.

The Tax Administrator or his agent, for the time the tax is due and payable, is hereby charged with the enforcement of the provisions of this Part 8B, and is hereby authorized and empowered to prescribe, adopt and enforce rules and regulations relating to the registration and notation of such transactions and the payment and receipt of such taxes and any other matter pertaining to the administration and enforcement of the provisions of this Part 8B.

§ 549-326. Administrative Services Director to furnish stamp.

The Administrative Services Director shall prescribe, prepare and furnish the stamp of metal or rubber which shall dearly show that the tax assessed under this Part 8B has been paid.

§ 549-327. Collection by Recorder of Deeds.

Unless otherwise designated by Council, the Recorder of Deeds of Berks County, or any of his deputies, shall be the agent of the Administrative Services Director and City Treasury Division for the collection of the tax herein imposed by virtue of this Part 8B at the time any deed, as hereinbefore defined, is presented for recording in the Office of the Recorder of Deeds in and for Berks County. The Recorder shall receive a commission of 1% upon the amount of tax collected by him, or any of his deputies, by virtue of this Part 8B, which percent shall be deducted before remitting monthly to the City Treasury Division his statement of taxes collected under and by virtue of this Part 8B.

§ 549-328. Lien authorized.

If any person fails to pay the tax in the amount and at the time required under this Part 8B, the City Solicitor is authorized to file a lien against the property which is the subject of the transfer in the amount of the deficiency.

§ 549-329. Authority to enact.

This Part 8B is enacted under the authority vested in home rule and optional plan governments by 53 Pa.C.S.A. § 2962. The enactment of this Part 8B shall not affect any act done, liability incurred or right accrued or vested, or affect any suit or prosecution pending, or to be instituted to enforce any right or penalty, or to punish any offense under the authority of § 549-330.

§ 549-330. Prohibited activities.

No person shall:

A. Make, execute, issue, deliver or accept, or cause to made, executed, issued, delivered or accepted, any document without the full amount of the tax thereon being duly paid.

B. Fraudulently cut, tear or remove from any document any documentary stamp, receipt or other evidence of payment.

C. Fraudulently affix to any document upon which a tax is imposed by this Part 8B any documentary stamp, receipt or other evidence of payment which has been cut, torn or removed from any other document upon which this tax is imposed by this or any documentary stamp or receipt or any impression of any forged or counterfeited stamp, receipt, die, plate or any other article.

D. Willfully remove or alter the cancellation marks of any documentary stamp or receipt, or restore any documentary stamp or receipt with intent to use or cause the same to be used after it has already been used, or knowingly buy, sell, offer for sale or give away any such altered or restored stamp or receipt to any person for use, or knowingly use the same.

E. Knowingly have in his or her possession an altered or restored documentary stamp or receipt removed from any document upon which a tax is imposed by this Part 8B.

F. Knowingly or willfully prepare, keep, sell, offer for sale or have in his possession, any forged or counterfeited documentary stamps or receipts.

G. Fail, neglect or refuse to comply with or violate the rules and regulations adopted by the Administrative Services Director under the provisions of this Part 8B.

§ 549-331. Effective date.

This Part 8B shall become effective on the 15th day of January 2007, and shall be effective for the duration of the fiscal year beginning on the first day of January 2008, and shall thereafter continue in force on a calendar year basis without annual reenactment.

§ 549-332. Violations and penalties.

Any person who violates the terms or provisions of this Part 8B or of any regulation or requirement pursuant hereto, and authorized hereby, shall, in addition to other penalties provided by law, be fined not more than $300 for each offense and/or be incarcerated for a period not to exceed 30 days.

Part 4
Business Privilege Tax
[Adopted 12-3-1975 By Ord. No. 52-1975 (Ch. 24, Part 5A, Of The 2001 Code Of Ordinances)]

§ 549-401. Short title.

This Part shall be known as the "Business Privilege Tax Ordinance."

§ 549-402. Definitions. [Amended 5-29-2001 by Ord. No. 14-2001]

As used in this Part, certain terms are defined as follows except where the context clearly indicates a different meaning:

ADMINISTRATIVE SERVICES DIRECTOR — The person duly appointed by Council to administer the tax.

BUSINESS — Any activity carried on or exercised for gain or profit in the City including, but not limited to, the sale of merchandise or other tangible personalty or the performance of services and the rental of personalty and/or realty.

CALENDAR YEAR — The period January 1 to December 31, inclusive.

CITY — The City of Reading.

LICENSE YEAR — The period from January 1 to December 31, inclusive.

PERSON — Any individual, partnership, limited partnership, association, firm or corporation. Whenever used in any clause prescribing or imposing a penalty, the term "person" as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

TAXPAYER — A person subject to the payment of the tax imposed by this Part.

TAX YEAR — The period from January 1 to December 31, inclusive.

TREASURER — The Administrative Services Director of the City of Reading.

WHOLESALE DEALER or WHOLESALE VENDOR — Any person who sells to dealers in or vendors of goods, wares and merchandise and to no other person.

§ 549-403. Tax levied; rate; business volume computed; exemptions. [Amended 5-29-2001 by Ord. No. 14-2001]

There is hereby levied for the tax year 1976 and annually thereafter a tax for general revenue purposes on the privilege of doing business as herein defined in the City as follows:

A. Rate and basis of tax. The rate of the tax on each dollar volume of gross annual receipts of every person engaged in occupations or business in the City shall be 1 1/2 mills; 1 1/2 mills shall mean $1.50 per $1,000 volume of gross annual receipts, except that the rate of the tax on each dollar volume of gross annual receipts by wholesale dealers or wholesale vendors engaged in business in the City shall be one mill. All nonwholesale businesses of such wholesale dealers or wholesale vendors shall be taxed at the general rate of 1 1/2 mills. **[Amended 1-22-2007 by Ord. No. 10-2007]**

B. Computation of volume of business.

(1) Every person subject to the payment of the tax hereby imposed who has commenced his business prior to the full calendar year prior to the tax year shall compute his annual estimated gross volume of business upon the actual gross amount of business transacted by him during the immediately preceding calendar year.

(2) Every person subject to the payment of the tax hereby imposed who has commenced or who commences his business before the beginning of the tax year but after the beginning of the full calendar year prior to the tax year, shall compute his estimated annual gross volume of business for the tax year upon the gross volume of business transacted by him during prior calendar year, taking the monthly average during such period and multiplying the same by 12. In the event that he shall be in business fewer than 90 days in the prior calendar year, he shall be permitted to use sufficient days in calendar year in which the tax year begins to equal 90 successive days after commencement of business, to take a monthly average thereon, and to multiply the average by 12.

(3) Every person subject to the payment of the tax hereby imposed who has commenced or commences his business subsequent to the beginning of the tax year, if there shall be less than three months from the commencement of his business to the end of the tax year, shall compute his annual gross volume of business upon the actual gross amount of business transacted by him during the tax year; if there shall be more than three months from the commencement of his business to the end of the tax year, he shall compute his estimated gross volume of business for such tax year upon the gross volume of business transacted by him during the period from the commencement of his business to the end of the tax year, taking the monthly average during the first three months of business and multiplying the same by the number of months from the commencement of business to the end of the tax year.

(4) Every person subject to the payment of the tax hereby imposed who engages in a business temporary, seasonal or itinerant by nature, shall compute his estimated gross amount of business to be transacted by him for the period such person engages in such temporary, seasonal or itinerant business within the City by a method to be determined by the Administrative Services Director.

(5) The Administrative Services Director is hereby authorized to accept payment under protest of the amount of business privilege tax claimed by the City in any case where the taxpayer disputes the validity or amount of the City's claim for tax. If it is thereafter judicially determined by a court of competent jurisdiction that the City has been overpaid, the amount of the overpayment shall be refunded to the taxpayer. The provisions of this section shall be applicable to cases in which the facts are similar to those in a case litigated in a court of competent jurisdiction.

(6) Payments made under the mercantile license tax for business to which this tax is applicable shall be credited to this tax and vice versa.

C. Persons, business and receipts exempted.

(1) Persons and businesses. Persons employed for a wage or salary, nonprofit corporations or associations organized for religious, charitable or educational purposes, agencies of the government of the United States or of the Commonwealth of Pennsylvania and the business of any political subdivision, or of any authority

created or organized under and pursuant to any act of assembly are exempt from the provisions of this Part.

(2) No such tax shall be assessed and collected on a privilege, transaction, subject, or occupation which is subject to a state tax or license fee, and which tax or license fee has been held by the Courts of Pennsylvania to be the basis for exemption from the imposition of a business privilege tax by a municipality.

(3) Utilities. No such tax shall be assessed and collected on the gross receipts from utility service of any person or company whose rates of service are fixed and regulated by the Pennsylvania Public Utility Commission; or on any public utility service rendered by any such person or company or on any privilege or transaction involving the rendering of any such public utility service.

(4) State tax on tangible property. No such tax shall be assessed and collected on the privilege of employing such tangible property as is subject to a state tax except on sales of admission to places of amusement or on sales or other transfers of title or possession of property.

(5) Production and manufacture. No such tax shall be assessed and collected on goods, articles and products, or on by-products of manufacture, or on minerals, timber, natural resources and farm products manufactured, produced or grown in the City, or on the preparation or processing thereof for use or market, or on any privilege, act or transaction relating to the business of manufacturing, the production, preparation or processing of minerals, timber and natural resources or farm products, by manufacturers, producers and farmers with respect to the goods, articles and products of their own manufacture, production or growth or any privilege, act or transaction relating to the business of processing by-products of manufacture or on the transportation, loading, unloading, dumping or storage of such goods, articles, products or by-products.

D. Determination of gross or whole volume business. Gross or whole volume of business upon which the tax hereunder is computed shall include the gross consideration credited or received for or on account of sales made, rentals and/or services rendered, subject only to the following allowable deductions and exemptions:

(1) The dollar volume of business transacted by wholesale and retail dealers derived from the resale of goods, wares and merchandise taken by any dealer as trade-in or as part payment for other goods, wares and merchandise, except to the extent that the resale price exceeds the trade-in allowance.

(2) Refunds, credits or allowances given by a taxpayer to a purchaser on account of defects in goods, wares or merchandise sold, or on account of goods, wares or merchandise returned.

(3) Any commissions paid by a broker to another broker on account of a purchase or sales contract initiated, executed or cleared with such other broker.

(4) Bad debts, where the deduction is also taken in the same year for federal income taxation purposes.

(5) Taxes collected as agent for the United States of America, Commonwealth of Pennsylvania or the City.

E. Partial exemptions. Where gross or whole volume of business in its entirety cannot be subjected to the tax imposed by this Part by reason of the provisions of the Constitution of the United States or any other provision law, the Administrative Services Director with the approval of Council shall establish rules and regulations and methods of allocation and evaluation so that only that part of the gross or whole volume of business which is properly attributable and allowable to doing business in the City shall be taxed hereunder.

F. Rate when same tax is imposed by two taxing bodies. If any person is liable for the same tax on the same subject imposed under the Local Tax Enabling Act 1965, December 31, P.L. 1257,[4] and its amendments, to the City and one or more political subdivisions of the state, then and in that event, the tax shall be apportioned by such percentage as may be agreed upon by such political subdivisions, but, in no event shall the combined taxes of both subdivisions exceed a maximum rate of tax as fixed by the Enabling Act permitting the imposition of such taxes.

G. Records. The taxpayer, to obtain the foregoing enumerated exclusions and deductions, shall keep books and records of his business so as to show clearly, accurately and separately the amount of such sales and services as are excluded from the tax and the amounts of such sales and services which he is entitled to deduct from the gross volume of business as hereinbefore provided.

§ 549-404. Returns; payment; interest penalty. [Amended 12-22-1976 by Ord. No. 49-1976; 5-29-2001 by Ord. No. 14-2001]

A. Every return shall be made upon a form furnished by the Administrative Services Director. Every person making a return shall certify the correctness thereof by affidavit.

B. Every person subject to the tax imposed by this Part who commenced his business on or before January 1 of the full calendar year prior to the beginning of any tax year shall on or before February 15 of the tax year file with the Administrative Services Director a return setting forth his name, his business, business address and such other information as may be necessary in arriving at the actual gross amount of business transacted by him during the preceding calendar year, and the amount of the tax due.

C. Every person subject to the tax imposed by this Part who has commenced his business before the beginning of the tax year but after January 1 of the full calendar year previous to the beginning of the tax year shall on or before February 15 of the tax year file with the Administrative Services Director a return setting forth his name, his business, business address and such other information as may be necessary in arriving at the estimated gross amount of business transacted by him as calculated under § 549-403B(2) and the amount of tax due, provided 100 days have elapsed from the commencement of the business to February 15 of the tax year. If a taxpayer has not been in business for 100 days as of February 15 of the tax year, whether or not he commenced business within the tax year, his return shall be filed within 100 days of the commencement of his business.

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4. Editor's Note: See 53 P.S. § 6924.101 et seq.

D. Every person subject to the payment of the tax imposed by this Part who engages in a business temporary, seasonal or itinerant by its nature shall at the time application is made for the business privilege license file a return with the Administrative Services Director setting forth his name, his business, his business address and such information as may be necessary in arriving at the estimated gross amount of business to be transacted by him as calculated in accordance with § 549-403B(4).

E. Going out of business. Any person going out of or ceasing to do business shall, within seven days from the date of ceasing to do business, file a return showing the actual gross volume of business conducted and done by such person during the tax year in which such person ceased doing business, and pay the tax due as computed thereon at the rate herein provided for at the time of filing such return. If such tax has been previously paid based upon estimated gross receipts, the taxpayer shall be entitled to a refund, without interest, of any excess tax paid for the tax year in which business was terminated.

F. Payment of tax and penalties for late payment. The business privilege tax levied pursuant to this Part shall be due and payable on the date on which the taxpayer is required to file a return as set forth above. If the tax is paid within two months after the due date, a discount of 2% shall be allowed. All taxpayers who shall fail to pay the tax for four months after the due date shall be charged a penalty of 10% plus an additional 1% per month or fractional part of a month, commencing with the penalty period, until the tax is paid.

G. Receipt. The City Administrative Services Director shall, upon payment to him of the business privilege tax, give the person paying the same a receipt therefor.

§ 549-405. Business privilege license. [Amended 12-10-1986 by Ord. No. 96-1986; 11-24-1997 by Ord. No. 26-1997; 12-9-2002 by Ord. No. 67-2002[5]]

Any person desiring to conduct or to continue to conduct any business, as herein defined, within the City shall obtain a business privilege license as set forth in Ch. 339, Part 2.[6]

§ 549-406. Violations and penalties. [Amended 6-20-1984 by Ord. No. 53-1984; 5-29-2001 by Ord. No. 14-2001]

A. Whoever conducts, transacts or engages in any of the businesses subject to the tax imposed by this Part, without having first secured a business privilege license for the year, or who fails to file a tax return as required by the provisions of this Part or who willfully files a false return, or who fails to maintain such records and books of account as shall enable him to make a true and correct return in accordance with the provisions of this Part, or any person or persons subject to, or supposed to be subject to, the tax imposed by this Part who refuses to allow the Administrative Services Director or his deputies to examine the books, papers and records of any such person or persons or who fails to comply with any other provisions of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

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5. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

6. **Editor's Note: Original § 24-506, Posting licenses, which immediately followed this section, was repealed during codification (see Ch. 1, General Provisions, Part 2).**

B. Each day on which such person violated this Part may be considered as a separate offense and punishable as such as aforeprovided.

§ 549-407. Duties of City Administrative Services Director. [Amended 5-29-2001 by Ord. No. 14-2001]

A. The City Administrative Services Director is charged with the duties of collecting and receiving the taxes, fines and penalties imposed by this Part. It shall be his duty to keep a record showing the amount received by him from each person paying the tax and the date of such receipt.

B. The Administrative Services Director and his duly appointed deputies under the direction of the Director of Accounts and Finance are hereby empowered with the approval of Council to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination and correction of returns and payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and charged with enforcing the provisions of this Part and any rules and/or regulations promulgated pursuant hereto.

C. In the event the person to be assessed neglects or refuses to make a return, then in such case, the Administrative Services Director or his duly appointed deputies shall assess such person or persons on such an amount of whole or gross volume of business as the Administrative Services Director or his deputies deem reasonable and appropriate. In all cases of assessment, the Administrative Services Director or his duly appointed deputies shall give the parties assessed a notice in which shall be stated the trade, business, occupation or class, and the amount of the business privilege tax imposed or levied.

D. The taxpayer shall maintain such records and books of account as shall enable him to make a true and accurate return in accordance with the provisions of this Part. Such accounts and records shall disclose in detail the gross receipts and other date pertaining to the taxpayer's gross volume of business, and shall be sufficiently complete to enable the Administrative Services Director or his deputies to verify all transactions. The Administrative Services Director or his deputies are hereby authorized to examine the books, papers and records of any person or persons subject to or supposed to be subject to the tax imposed by this Part, in order to verify the accuracy of the return made, or if no return was made, ascertain the tax due.

E. Any person aggrieved by any decision of the Administrative Services Director shall have the right to appeal to the Court of Common Pleas, as in other cases.

§ 549-408. Confidential nature of information. [Amended 5-29-2001 by Ord. No. 14-2001]

Any information gained by the Administrative Services Director or any other official, agent or employee of the City, as a result of any returns, investigations, hearings or verifications required or authorized by this Part, shall be confidential, except in accordance with proper judicial order or as otherwise provided by law.

§ 549-409. Suit on collection; costs. [Amended 5-29-2001 by Ord. No. 14-2001]

A. The Administrative Services Director or his duly appointed deputies shall have the power in the name of the City to institute proceedings against any and all persons who violate the provisions of this Part.

B. If for any reason the tax is not paid when due and suit is brought for the recovery of any such tax, the person liable therefor, shall, in addition, be liable for the costs of collection and interest and penalties herein imposed.

§ 549-410. Savings clause; separability.

A. Nothing contained in this Part shall be construed to empower the City to levy and collect the taxes hereby imposed on any person, or any business, or any portion of any business not within the taxing power of the City under the Constitution of the United States and the laws and Constitution of the Commonwealth of Pennsylvania.

B. If the tax, or any portion thereof, imposed upon any person under the provisions of this Part shall be held by any court of competent power or jurisdiction to be in violation of the Constitution of the United States or of the Commonwealth of Pennsylvania or any other provision of the law, the decisions of the court shall not affect or impair the right to impose the taxes, or the validity of the taxes so imposed upon other persons as herein provided.

C. The provisions of this Part are severable, and if any of its provisions shall be held illegal, invalid or unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this Part. It is hereby declared to be the intention of Council that this Part would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.

Part 5
Business Privilege Tax Regulations
[Adopted 12-3-1975 By Ord. No. 52-1975 (Ch. 24, Part 5B, Of The 2001 Code Of Ordinances)]

§ 549-501. Purpose.

These regulations are enacted for the purpose of the administration of the Business Privilege Tax Ordinance [Part 4].

§ 549-502. Definitions.

(See appropriate section of ordinance.)[7]

§ 549-503. Business.

Carrying on or exercising for gain or profit, in the City of Reading, any trade, business, profession, vocation or commercial activity or making sales in the City of Reading. A profession or vocation or any rendering of personal services in the City of Reading in any capacity, except as an employee of another business.

§ 549-504. What constitutes doing business in the City. [Amended 1-22-2007 by Ord. No. 9-2007]

Whether or not a person carries on a taxable activity within the meaning of the Business Privilege Tax Act is essentially a question of fact. In general, taxable activity includes any trade, business, profession, vocation, or commercial activity that is carried on in the City of Reading. The tax is imposed on any person who exercises the privilege of carrying on certain activities in the City of Reading and is measured by receipts attributable to the City of Reading.

A. Inter- and intrastate business. Doing business includes any trade, business, profession, vocation or commercial activity of an intrastate or interstate character.

B. Residence or domicile. A person who engages in a taxable activity in the City of Reading is subject to this tax, whether or not he is a resident, and whether or not he has a permanent place of business in the City of Reading.

C. Foreign corporations. A foreign corporation is subject to this tax if it carries on a taxable activity in the City of Reading, whether or not it is licensed to do business in Pennsylvania.

§ 549-505. Allocation of business done and gross volume of business.

A. General. Receipts from any transactions shall be attributable to the City of Reading if the person's sole place of business is located in the City of Reading. If a person has more than one place of business in Pennsylvania, but no interstate commerce, the receipts attributable to the City of Reading shall be equal to total receipts times a fraction, the numerator of which shall be receipts from transactions within the City of Reading and the denominator of which shall be receipts from transactions within the City of Reading and other place(s) of business in Pennsylvania. If a person has more than one place of business in Pennsylvania, and interstate commerce, the receipts attributable to the City of Reading shall be equal to total receipts, less receipts attributable outside of Pennsylvania, times a fraction, the

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7. **Editor's Note: See § 549-402.**

numerator of which shall be receipts from transactions within the City of Reading and the denominator of which shall be receipts from transactions within the City of Reading and other place(s) of business in Pennsylvania. **[Amended 1-22-2007 by Ord. No. 9-2007]**

B. Persons rendering professional, commercial, industrial or personal services. **[Amended 1-22-2007 by Ord. No. 9-2007]**

(1) General. Receipts from any service shall be attributable to the City of Reading if the transaction or any activity in connection therewith occurs within the City of Reading; or is generated, directed, managed, or controlled by a place of business in the City of Reading and contributes to the taxpayer's ultimate business purpose; or where there is no other place of business.

(2) Out-of-City branch office. Where a taxpayer maintains a bona fide branch office or place of business outside the City of Reading, he will nevertheless be subject to business privilege tax liability on those receipts which are the result of services rendered or business activities generated within or attributable to the City of Reading. Said taxpayer will be permitted to exclude his branch office receipts from his taxable gross receipts only where he sustains the burden of proving that the City of Reading does not have the requisite minimal contact or nexus with those receipts to sustain the imposition of the business privilege tax.

C. Lessors of tangible personal property. Persons doing business within the City of Reading who own and hold title to tangible personal property which is leased to others are required to report gross receipts from the rental of or license to use such property according to the following rules:

(1) Where the original situs of the property is within the City of Reading, the receipts from tangible personal property leased to others are deemed to be:

(a) Wholly taxable receipts, if the property is delivered to lessees inside Pennsylvania.

(b) Nontaxable receipts, if the property is delivered to lessees outside Pennsylvania.

(2) Where the original situs of the property is outside Pennsylvania, the receipts from tangible personal property leased to others are deemed to be:

(a) Allocable receipts, if the property is delivered to lessees within the City of Reading.

(b) Nonallocable and nontaxable receipts, if the property is delivered to lessees outside the City of Reading, whether within or without the United States.

(c) The term "original situs," as used herein, means the place at which the property is warehoused when not leased to others and to which place the property is returned upon termination of the lease. Where there is no such established place, the term "original situs" shall mean the principal office of the taxpayer.

(3) This subsection does not apply to conditional sales of tangible personal property.

D. Lessors of real property. Persons doing business within the City of Reading who own and hold title to real property which is leased to others are required to report the gross receipts

from the rental of all such property which is situated in the City of Reading. This subsection does not apply to conditional sales of real property. Where a lessor has no more than two rental units in his principal place of residence such rentals are excluded from taxable receipts provided he has no other rental units of realty located within the City of Reading.

E. Place of origin and delivery outside of the City of Reading. Where the sale of origin of goods, wares and merchandise in a sales transaction is a location owned or leased by the seller outside of the City of Reading and the place of delivery is a location outside of the City of Reading regularly maintained by the other party to the transaction, the receipts are nonallocable and nontaxable.

F. Location of vendee. Receipts from the sale of goods, wares and merchandise delivered to a vendee located outside of the City of Reading by an employee of the taxpayer who works in or from, or is attached to the City of Reading place of business of the taxpayer, is fully taxable if the vendee is located within Pennsylvania and nontaxable if the vendee and place of delivery is located outside of Pennsylvania.

G. There will be no allocation for receipts generated in intrastate commerce unless the receipts sought to be excluded from business privilege tax returns are clearly allocable to a bona fide branch office or other place of business located outside of the City of Reading. The burden of proving that any receipt is allocable to an office or other place of business located outside of the City of Reading is on the taxpayer and he must be able to support any such exclusion of receipts from the City of Reading on the basis of clear and objective evidence shown on his books, records and accounts. If a taxpayer does not keep his books, records and accounts in a manner which will clearly and objectively show the allocation of receipts to his various branch offices or places of business, the business privilege tax will be based on the entire amount of gross receipts from all intrastate sources. The receipts will not be allocated on the basis of subjective and unrecorded data. **[Amended 1-22-2007 by Ord. No. 9-2007]**

H. The following is a list of factors which are relevant, but not conclusive, for determining whether a person maintains a bona fide non-City branch office within the meaning of this section: **[Amended 1-22-2007 by Ord. No. 9-2007]**

(1) Name of taxpayer in telephone directory, or building directory (if applicable), or on door leading to entrance of office or otherwise displayed on the office exterior.

(2) Stationery and calling cards showing address.

(3) Storage of inventories or display samples at location in question.

(4) A written lease for the space involved and the payment of rent.

(5) A written agreement for the maintenance of an office by an agent or agency on behalf of the taxpayer.

(6) Employees based in or operating out of a location outside of the City of Reading.

(7) The expenses attributable to an office located outside of the City of Reading are allowed as deductions on the taxpayer's federal income tax return.

(8) The office serves as a base of operations from which the person manages, directs and controls business activities.

(9) No single factor will raise a presumption that a bona fide office located outside of the City of Reading exists. Use by the taxpayer or his agents or employees of facilities provided by the taxpayer's client, employer, customer, or any other person, even for a protracted period of time and even where such use constitutes part of the contractual or business arrangement entered into by the taxpayer with the said client, employer, customer, or any other person does not establish a branch office located outside of the City of Reading for purposes of allocation of gross receipts.

I. A field trailer used by contractors can be considered a bona fide branch office located outside of the City of Reading office only if all the following activities are conducted therein: **[Amended 1-22-2007 by Ord. No. 9-2007]**

(1) It bears the name of the taxpayer.

(2) It is staffed by taxpayer's employees who report directly to the field site, and who control the operation from that site.

(3) At least one telephone is present and listed in the taxpayer's name.

(4) It is maintained at the same site for no less than 60 days.

(5) It is owned and maintained by the taxpayer or has all the indicia of ownership by the taxpayer.

(6) Business is solicited.

(7) Meetings are held.

(8) Mail is received.

(9) Supplies are stored.

(10) Accounting and other administrative duties are performed.

J. An office maintained in the taxpayer's home which is located outside of the City of Reading is a bona fide office or place of business only if it meets the test set forth in Subsection H above and if it is exclusively used on a regular basis as such for federal income tax purposes under the United States Internal Revenue Code of 1976, as amended. **[Amended 1-22-2007 by Ord. No. 9-2007]**

K. A motel or hotel residence, used on a long-term basis, is not a bona fide branch located outside the City of Reading unless it fulfills the criteria set forth above. **[Amended 1-22-2007 by Ord. No. 9-2007]**

§ 549-506. Interstate commerce.

A. General. Receipts from transactions involving more than one state are not exempt from the business privilege tax, but are to be included in the tax base either in their entirety, excluded in their entirety, or apportioned as provided in these regulations. **[Amended 1-22-2007 by Ord. No. 9-2007]**

B. What constitutes "interstate commerce." Transactions will be deemed to involve interstate commerce only when there are significant transactions or activities conducted in states other than Pennsylvania that contribute to the generation of gross receipts. The citizenship

or residence of the parties to any transaction has no relevance in determining the interstate character of a business. Where a sales transaction is involved, it is of no importance in which state title to the goods passes, or whether the goods are shipped FOB one state to another. **[Amended 1-22-2007 by Ord. No. 9-2007]**

C. Sale and delivery in Pennsylvania. Interstate commerce is not deemed to be involved in sales made by a City of Reading seller to customers located outside of Pennsylvania where the property is delivered directly to the purchaser or his agent within Pennsylvania, notwithstanding the fact that the purchaser or his agent intends to, and later does, transport the property to a point outside Pennsylvania.

D. Shipment from Reading by seller. Sales will be considered as having been made in interstate commerce when the seller, as a necessary incident to the contract of the sale, agrees to, and does, deliver the property to the purchaser at a point outside of Pennsylvania, or delivers the property to a common carrier consigned to the purchaser at a point outside Pennsylvania.

E. Delivery to packing company in the City of Reading. Whenever property is sold by seller to a customer located outside Pennsylvania and, pursuant to the terms of the contract of sale, delivery is made from the seller's place of business in the City of Reading to a packing company located in the City of Reading for delivery to the purchaser at a point outside of Pennsylvania, said transaction constitutes "interstate commerce."

F. Delivery to buyer's Pennsylvania place of business. Where a purchaser maintains an office, warehouse or receiving station in Pennsylvania for the purpose of receiving, or inspecting or assembling, or routing, or combining shipments destined for out-of-state places of business, interstate commerce is not deemed to be involved with respect to deliveries made to such premises by a City of Reading seller, notwithstanding the fact that the purchaser intends to, and later does, transport the property received at such premises to a point outside Pennsylvania.

G. Shipments into the City of Reading from seller's out-of-state place of business. With respect to sales made by a City of Reading seller, the transaction will be considered to be one in interstate commerce if, by the express terms of the contract of sale, or the established practice of doing business, the seller is required to deliver by transporting or shipping the property from his place of business situated outside of Pennsylvania directly to the purchaser at a point within the City of Reading.

H. Shipments into the City of Reading from a third party's out-of-state place of business. Interstate commerce is not deemed to be involved if the City of Reading seller causes direct delivery to be made to the purchaser at a point in the City of Reading from an out-of-state source of supply owned or operated by a third party (one from whom the seller buys).

I. Delivery from seller's out-of-state place of business via his office. Interstate commerce is not deemed to be involved with respect to sales made to a Pennsylvania purchaser if the property is shipped from the seller's place of business located outside of Pennsylvania to the seller's place of business in the City of Reading from which point the goods are delivered to the purchaser.

J. Apportionment of receipts from interstate commerce. Where receipts cannot be allocated as set forth above in Subsections C through I, receipts from interstate commerce may be apportioned in a manner similar to the sales factor for purposes of the Pennsylvania

Corporate Net Income Tax under Article IV of the Tax Reform Act of 1971, as amended,[8] and the regulations thereunder. **[Amended 1-22-2007 by Ord. No. 9-2007]**

K. Apportionment for professional services. **[Amended 1-22-2007 by Ord. No. 9-2007]**

(1) Professional fees derived from services billed on an hourly basis shall be apportioned by excluding receipts attributable to charges to the client for services performed out-of-state.

(2) Professional services rendered on a flat or fixed-fee basis or a contingent-fee basis shall be apportioned according to a ratio whose numerator consists of hours spent on the engagement while out-of-state and whose denominator consists of total hours spent on the same engagement for the same client.

(3) Professional services performed under a contract which sets forth the percentage or amount of the total contract price attributable to a specific activity to be performed out-of-state shall be apportioned according to the contract terms, as long as such amount is a reasonable allocation.

L. The following is a list of factors which are relevant but not conclusive, for determining whether a person's activities in another state constitute interstate commerce: **[Amended 1-22-2007 by Ord. No. 9-2007]**

(1) A nexus in the foreign jurisdiction sufficient to support the imposition of a similar tax by the state.

(2) A provision in the contract or agreement between the taxpayer and his client or customer which specifically assigns a reasonable portion of the overall fee to activities required to be performed in the foreign jurisdiction.

(3) The length of time spent by the taxpayer in the out-of-state location.

(4) The necessity for the services that are performed out-of-state in generating the overall gross receipts.

(5) The inability of the taxpayer to perform the service which generates gross receipts in its entirety in Pennsylvania.

(6) The number of employees who are required to perform the activities in the foreign jurisdiction. Utilizing an independent contractor located in the foreign jurisdiction to carry out of the taxpayer's out-of-state activities does not constitute the taxpayer's presence in a foreign jurisdiction for purposes of excluding receipts from the City of Reading's business privilege tax.

(7) The person manages, directs and controls business activities in the foreign jurisdiction.

§ 549-507. Contractors performing building or construction work outside the City of Reading.

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8. Editor's Note: See 72 P.S. § 7401 et seq.

A. Contractors with field offices. City of Reading contractors or subcontractors engaged in the performance of building and construction contracts at a point outside the territorial limits of the City of Reading may exclude from the measure of the tax the receipts derived therefrom, provided that a field office was maintained on the premises of the project during the performance of the contract to such an extent as to constitute doing local business at the situs of the job.

B. Alterations and repairs. The provisions of this section apply only to contractors engaged either in the erection of new buildings or in the complete alteration and remodeling of old buildings. They do not apply to contractors who engage in alteration or repair jobs of a limited scope, such as a roofer repairing a damaged roof of a building situated outside the City of Reading, or a painter renovating apartments in an apartment house located outside the City of Reading.

C. Engineers and technicians. The exemption provisions of this section do not apply to engineers and other technicians rendering personal services outside the City of Reading.

D. Qualifications for exemptions. To qualify hereunder, the contractor must show that he established a place of business at the situs of the job by setting up a field office thereat with machinery and equipment for the use in fulfillment of the contract, and performed such other acts as to constitute doing local business at the situs of the job.

§ 549-508. Brokers and agents with out-of-City offices.

Where a general agent or broker of an insurance, real estate or other firm maintains a branch office outside of Reading, the commissions attributable to such branch office may be excluded from gross receipts. Commissions will be deemed attributable to the Reading office, and hence subject to inclusion in the measure of tax, if they result from the efforts of brokers, subagents or employees who work in, or from, or are attached to the Reading office.

§ 549-509. Tax rate.

(See appropriate section of ordinance.)[9]

A. Persons in business during the entire previous calendar year. (See appropriate section of ordinance.)

B. Persons who have commenced business before the beginning of the tax year but after the beginning of the previous full calendar year. (See appropriate section of the ordinance.)

C. Persons who commence business after the beginning of a tax year. (See appropriate section of the ordinance.)

D. Business temporary, seasonal or itinerant by nature. (See appropriate section of the ordinance.)

§ 549-510. Persons, businesses and receipts exempted.

A. Nonprofit corporations or associations, religious, charitable and educational institutions. Business income not included. The exclusion from taxation of receipts from the business

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9. Editor's Note: See § 549-403.

of nonprofit religious, charitable or educational organizations is limited to those receipts derived from activities which are connected with the noncommercial operation of the organization. Commercial activities carried on by such an organization are taxable. All business income of nonprofit religious and charitable and educational organizations is taxable.

B. Receipts from sales to governmental agencies and nonprofit organizations. Sales to institutions. Receipts from sales made or services rendered to governmental bodies and to religious charitable and educational corporations and associations shall not be excluded from the tax base. The statute does not grant any exemption to taxpayers transacting business with such agencies or institutions.

§ 549-511. State tax or license.

A. Nominal or registration fees. The fact that a taxpayer receives a certificate or other document which is designated a "license" from the Commonwealth of Pennsylvania for which the taxpayer pays a sum of money does not exempt the taxpayer from the business privilege tax. Flat annual fees, fees which are not related to gross income or amount of production, or fees that are nominal in nature are not considered true license fees and hence payment of such fees will not exempt the taxpayer from the business privilege tax.

B. Payment to the City of Reading for housing permits, building and plumbing permits, etc. will not exempt the taxpayer from business privilege tax.

C. Nonlicensed functions taxable. The receipts of any person who falls within the state tax or license fee exemption which are derived from any activity which if conducted separate and apart from other business activities would be subject to the state tax or license fee shall not be excluded from the tax base.

D. Local tax under state authority. Local taxes by counties, municipalities, or other public bodies though authorized by state legislation are not considered state taxes or license fees.

E. Monies returned to municipalities by the state. Any tax which is collected by the state but which, with the exception of administrative costs, is returned to the municipalities, is not considered a state tax or a license fee. Such taxes include, but are not limited to:

(1) Gross receipts taxes of non-Pennsylvania fire and casualty insurance companies.

(2) License fees for hotels, restaurant and club liquor licenses.

F. State license fees which exempt receipts earned thereunder include but are not limited to those fees levied under the following acts:

(1) Consumer discount companies, Act of April 8, 1937, P.L. 262, as amended, 7 P.S. § 6201 et seq.[10]

§ 549-512. Utilities.

Nonutility functions taxable. The receipts of any public utility, operating under the rules and regulations of the Pennsylvania Public Utility Commission, derived from supplying services at

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10. Editor's Note: Original Subsection 6.A and B, regarding the Pennsylvania Securities Act and Small loan companies, respectively, were repealed during codification (see Ch. 1, General Provisions, Part 2).

the rates specified in its tariffs shall be excluded from the tax base. Public utilities shall not exclude from their tax base receipts derived from sales of appliances, equipment, advertising, etc. A contract carrier is not a public utility.

§ 549-513. Properties subject to state tax.

(See appropriate section of the ordinance.)[11]

§ 549-514. Products manufactured or grown in the City. [Amended 8-11-2008 by Ord. No. 50-2008]

If claiming a manufacturing exemption, a written request detailing the nature of the operation must be made within 30 days of commencement of business to the Administrative Services Director. An inspection of the operation is required prior to a decision being rendered. Acceptance or rejection of the request will be issued by the Administrative Services Director in writing. All gross receipts will be considered taxable until said decision regarding an exemption is issued. Under no circumstances will manufacturing exemptions be granted retroactively, nor will any refunds be granted for any business privilege tax paid prior to a manufacturing exemption being approved in writing.

§ 549-515. Determination of gross or whole volume of business.

(See appropriate section of the ordinance.)[12]

A. Generally.

(1) "Gross consideration" means gross receipts received in, or by reason of, any sale made, or services rendered or commercial or business transaction occurring in or attributable to the City of Reading including cash, credits, and property of any kind or nature, without deduction on account of the cost of materials, labor, services or other costs, interest or discount paid, or any other expenses whatsoever.

(2) In general, the word "sale" as used in the definition of the term "gross receipts" includes but is not limited to any transfer of title for a consideration. It includes exchange, barter, and bailments.

B. Real estate brokers.

(1) Generally, real estate brokers and agents are required to report as taxable receipts, the commissions and fees received for services rendered as agent in promoting the purchase and sale of real property for others. Brokers and agents not having an office in the City shall report as taxable receipts commissions received on the sale of properties within the City. Such amount does not include the gross selling price of the property, except as set forth in Subsection B(3).

(2) Deduction of shared fee. A real estate broker or agent may exclude from his tax base, any commissions paid by him to another broker, or agent, on account of a contract of purchase or sale initiated, executed, or cleared in conjunction with the broker, salesman or agent to whom the commission or part of the commission is paid.

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11. Editor's Note: See § 549-403.

12. Editor's Note: See § 549-403.

Commissions paid to a salesman by a broker or agent when the salesman is affiliated with the broker or agent are not excludable from the broker's or agent's tax base.

(3) Broker's sale of owned property. If a person is in the business of taking title to real property and selling the property, he is required to include the gross selling price of the property taxable receipts. The same person may be taxed both as broker and as seller, depending on the nature of the transactions. If he acts as broker, salesman or agent, his tax is based on commissions. If he buys or sells real estate either in his own name or in the name of a straw party, he is taxed on the gross selling price of the real estate.

C. Traveling expenses. Reimbursement of traveling expenses excluded from gross receipts only if the taxpayer incurred such expenses as agent for another from whom the taxpayer receives reimbursement for such expenses.

D. Trade discounts.

(1) Deductions allowed. Trade discounts allowed to customers may be deducted from the gross amount charged in ascertaining the amount to be reported as receipts from sales. Trade discounts include:

(a) Discounts deducted from the face amount of the bill as a method of adjusting the list price.

(b) Discounts unconditionally deducted by customers at settlement of their bills and allowed as a matter of established custom of the trade without regard to the due date of such bills or the form or terms in which such discounts are described or stated on bills.

E. Other discounts.

(1) Deductions allowed. Discounts allowed to customers as cash discounts for prompt payment of their bills may be deducted from gross receipts.

F. Freight delivery, or other transportation charges.

(1) If seller contracts to deliver. If the seller contracts to deliver the property sold to some designated place, or is obligated under the terms of the contract to pay transportation charges to some designated place, the transportation services are rendered to the seller and the freight, delivery or other transportation charges so incurred by the seller may not be deducted from the receipts.

(2) If buyer deducts cost of delivery from payment. If property is sold on terms requiring the seller to deliver such property to a designated place but the purchaser pays the amount of freight, delivery or other transportation charges in the first instance, and deducts such charges from the invoice price in making remittance to the seller, no deduction from gross receipts may be taken by the seller.

(3) If seller advances charges. Where the seller advances the freight, delivery or other transportation charges for the account of the purchaser in accordance with the terms of the contract of sale, such charges may be excluded from gross receipts of the seller, provided:

(a) That such charges are the actual charges incurred and are billed as such to the purchaser; and

(b) That the books and records of the taxpayer clearly indicate such facts.

G. Principal and agent.

(1) General. Receipts from sales made, or services rendered, by an agent for the account of his principal are to be reported by the principal. It is immaterial in such cases whether the customer or the client remits directly to the principal, or to the agent for transmittal to the principal. The agent is required to report as gross receipts only the commission withheld by him as compensations for his services before remitting to his principal and any commissions paid to him after remitting to his principal. No deduction from gross receipts may be taken by the principal for commission paid to or withheld by the agent. A manufacturer's representative is taxable on his gross commissions unless his relationship to the principal is that of employer and employee. This relationship of employer and employee exists if the principal pays social security and unemployment compensation taxes on behalf of the person claiming exemption and if, in the event of an accident in the course of employment, the manufacturer's representative might become entitled to workmen's compensation.

(2) Undisclosed principal. A person selling property, including real property, or rendering services for an unknown or undisclosed principal, is subject to tax as a principal unless there is disclosed in the agent's return the identity of the principal and the amount of the sale made on his behalf.

(3) Condition as to recognition of agency. A person will be regarded as acting as agent or broker in promoting or soliciting sales or rendering services for the account of a principal when it appears:

(a) That the contract or agreement between such persons clearly establishes the relationship of principal and agent.

(b) That the books and records of the agent or broker show the name of the actual owner of the property on whose behalf the sale is made.

(c) That the books and records of the agent or broker show the amount of gross sales and the amounts of commission due thereon.

(4) Collection by agent. Money or property received by a taxpayer, as agent, for transmittal to a third party is not to be reported by such taxpayer as gross receipts, but any commission received by him for his services as agent must be included in gross receipts.

H. Conditional and installment sales.

(1) Reported as cash sales. A person making conditional sales or other installment sales of property is required to report the total selling price of such sales as gross receipts for the tax year in which the contracts of sale are entered into, without regard to the fact that the seller may arrange to receive payment from the purchaser on an installment basis or that such contracts may be discounted or pledged with, or sold to, a finance company.

(2) Property repossessed. Where tangible personal property, sold under a conditional or other installment sales contract, is repossessed by the seller, and the repossessed property is subsequently sold, the receipts from such sales are to be included in the measure of the tax only to the extent that the amount of the sale exceeds the balance due on the original sale at the time of repossession. No deduction shall be allowed upon resale, if the resale price is less than the unpaid balance.

Example: "A" sells personal property to "B" for $10,000 under a conditional agreement of sale. "B" makes several installment payments to "A" totaling $6,000. "B" subsequently defaults and the property is repossessed by "A." "A" is required to report $10,000. He may not deduct from gross receipts the unpaid balance of $4,000 due from "B" at the time of repossession. If the property repossessed by "A" is subsequently sold, the receipts from the sale thereof are to be reported only to the extent which the amount of the sale exceeds the unpaid balance of $4,000. Thus, if the repossessed property sold for $5,000, "A" is required to report only $1,000 as additional receipts; if the property is sold for $3,000, "A" is not required to report any portion of such receipts and is entitled to $1,000 deduction from his current year's gross receipts.

I. Exchanges between dealers in similar lines. Where dealers engaged in similar lines of business exchange articles of tangible personal property and one of them makes payment to the other in addition to the property exchanged by him, the transactions constitute sales to each other. The receipt of each dealer is measured by the gross value of the consideration received by him. Where a dealer transfers property, such as an automobile, to another dealer with the understanding that property of identical description will be returned at a subsequent date, such transaction does not constitute a sale and the value of the property exchanged need not be included in the gross receipts of either dealer. Receipts by dealers from sales to other dealers in the same line where the dealer transfers title or possession at the same price for which he acquired the merchandise may be excluded from gross receipts.

J. Consignment transactions. The status of a person accounting for receipts from consignment transactions will depend on the terms and conditions expressly set forth in the contract between the consignor and the consignee. In all cases, the substance rather than the form of the relationship between the parties shall be the determining factor. Where the contract does not clearly set forth the status of the parties thereto, the following principles shall apply:

(1) City of Reading consignor. If the person located in the City of Reading ships goods on consignment to a person located outside the City of Reading for subsequent sale by such consignee, the consignor is not deemed to be doing business at the location of the consignee, nor will such location be recognized as a branch of the consignor. When the consignee makes a sale of the consignor's goods, the consignee will be deemed to have purchase of the goods from the consignor at such time for resale to his (the consignee's) customer. Such transactions are deemed to result in either wholly taxable or wholly exempt receipts to the consignor at the time the consignee consummates the sale with his (the consignee's) customer. If the consignee is located within Pennsylvania, the receipts will be considered wholly taxable receipts. If the consignee is located outside of Pennsylvania the receipts will be considered either wholly taxable or exempt according to § 549-506 as if the consignee is considered the buyer.

(2) Out-of-City of Reading consignor. If a person located outside City of Reading ships goods on consignment to a person located in City of Reading for subsequent sale by

such consignee, the consignor will be deemed to have sold the goods to the consignee at the time the consignee sells the goods to his (the consignee's) customer. Such transactions are deemed to result in either wholly taxable or exempt receipts to the consignor, depending upon the location of such consignor. If the consignor is located within Pennsylvania, the receipts will be considered wholly taxable receipts; if the consignor is located outside Pennsylvania, the receipts will be considered exempt receipts.

K. Leased departments.

(1) Return by lessor. Where a person leases a department of his business to another, such person may include in his return the gross receipts from business done and sales made by lessee. When the business of such leased department is included in the return made by the lessor, a schedule must be attached to the return containing the name of the lessee, a description of the department operated, and a statement to the effect that the lessor assumes liability for reporting the gross receipts and paying the tax accruing against the lessee of such department. The lessee, however, is not relieved from his liability for business privilege taxes if the lessor fails to make a proper return or fails to pay the tax due. Should a change occur in the ownership or status of any leased department, the lessor shall notify the Business Administrator promptly.

(2) Return by lessee. If the lessee wishes to file returns independently, such lessee is required to include in his return the entire gross receipts of said lessee whether collected by the lessor, or the lessee without deducting any expenses or commissions charged to him by the lessor. To expedite the examination and audit of returns filed by such lessee, the Business Manager may require the lessor to furnish a statement of the entire gross receipts collected on behalf of the lessee.

L. Persons erecting buildings or otherwise altering, repairing, or improving real property.

(1) General. A contractor or subcontractor, resident or nonresident, engaged in City of Reading in the business of erecting buildings or otherwise altering, repairing or improving real property, is required to report as gross receipts all receipts derived from the performance of such contract. The amount of receipts to be included in the tax base shall be the full contract price, that is, the total amount received or receivable by way of a fixed or determinable amount under the terms of the contract. The contract price will be considered to include all charges made by a contractor, or subcontractor for materials, labor, or other obligations for which the contractor becomes liable in the performance of the contract. In the case of a contractor, no deduction may be made with respect to amounts paid to subcontractors and materialmen.

(2) Cost-plus contracts. A general contractor performing contracts on the basis of "cost-plus-a-fixed-fee" or "cost-plus-a-percentage" is required to report as gross receipts the full contract price as explained above; unless he has no connection whatsoever with the purchase of materials and/or the hiring of labor. In cases where the owner of the property buys the materials and hires all labor in his own name and pays the general contractor a fixed fee, or a percentage of the total cost to supervise and direct the construction project, the general contractor will be required to report only the gross amount of the fee or percentage received. Where the owner authorizes the general contractor to make for him such purchases of tangible personal property, or

hire such labor or engage such subcontractors as are necessary for the performance of the contract and: pledges his credit and is liable in the first instance to the materialmen, suppliers, laborers or subcontractors, as distinguished from merely guaranteeing payment to them or undertaking to reimburse the general contractor for the cost of such materials, services or subcontractors; and agrees to make payment directly to the materialmen, suppliers, laborers or subcontractors, such sales or services will be regarded as made directly to the owner, and the general contractor will not be required to include such items in his gross receipts.

(3) Government contracts. Receipts from the performance of contracts entered into with the City of Reading or the Commonwealth of Pennsylvania, or the United States of America or any subdivision of such governments are to be included in the measure of the tax.

M. Contractors who repair, alter, and improve tangible personal property. Persons engaged in business in the City of Reading as contractors who repair, alter and improve tangible personal property for the account of others are subject to tax under the provisions of the Business Privilege Tax Ordinance [Part 4]. When contractors perform labor or services on articles of tangible personal property furnished by the other party to the contract, such contractors are required to report only the amount due them for labor or services rendered.

N. Buildings, hotels, motels, apartment houses, boarding houses, nursing homes, etc.

(1) Generally, persons operating hotels, motels, apartment houses, boarding houses, nursing homes, rooming houses and all other such establishments are taxable on receipts from renting of rooms, furnishing of meals and any other service rendered.

(2) Depreciation, maintenance, etc. Any person carrying on the business of renting buildings, offices, space, stores, dwelling houses, etc. shall include gross rentals received in the tax base. No deductions may be made for depreciation, cost of maintenance, repairs, etc.

(3) Nonprofit corporations and associations. Persons operating private hospitals, nursing homes, and sanitariums are subject to the tax. The law exempts such institutions only when they are operated by a nonprofit corporation or association organized for religious, charitable or educational purposes as set forth in § 549-510.

(4) Pennsylvania room occupancy tax (see § 549-515E).

O. Insurance companies.

(1) Tax base. Insurance companies, whether mutual or stock companies, domestic or foreign, are subject to the tax for the privilege of carrying on business in the City of Reading. The tax for the privilege of writing insurance is based on premiums received from risks in the City of Reading without any deductions therefrom for any costs or expenses whatsoever.

(2) Reinsurance. Reinsurance assumed shall not be included in the tax base; reinsurance is not deductible from gross receipts.

(3) Return premiums and dividends. Receipts from premiums include gross direct premiums, less return premiums thereon. Dividends credited to policyholders may be deducted if such dividends are in the nature of an adjustment of the premium charged.

(4) Other receipts. Receipts from servicing mortgages, operating hotels, etc., are to be included in the tax base.

(5) Exemptions. (See § 549-511)

P. Insurance agents, brokers, and underwriters.

(1) General agents. General agents for insurance companies are required to report as gross receipts the entire commissions received as compensation for their own efforts on policies sold by them directly and the overriding commissions received by them upon business produced by brokers or subagents.

(2) Brokers or subagents. Brokers or subagents are required to report as gross receipts the commissions received as compensation for their service.

(3) Employee of single company. A person who represents a single insurance company is subject to tax hereunto unless he:

(a) Devotes his entire time to the company;

(b) Is considered by the company to be its employee, and the company pays Social Security and unemployment compensation taxes on behalf of the person claiming the exemption and in the event of an accident in the course of employment, said person is entitled to workmen's compensation; and

(c) Does not employ solicitors, subagents, or other persons to whom he pays salaries, commissions or other compensation in connection with insurance business solicited.

Q. Undertakers, morticians and funeral directors. Persons engaged in business as undertakers, morticians or funeral directors are required to report as gross receipts the total charges made to clients without deducting therefrom any costs or expenses whatsoever. Both the sale of tangible personal property and a charge for rendering service must be included in the tax base.

R. Sale of capital assets.

(1) Generally. The profits (not gross proceeds) resulting from the sale of capital assets, such as plant machinery and equipment, furniture, fixtures, delivery equipment, etc. are to be included in the tax base. If a loss is sustained on such sales, it may not be offset against gross receipts from other sources. In computing the profits to be included in the tax base, the costs of the asset, less allowable depreciation, is to be deducted from the gross proceeds of the sale.

(2) Asset located outside City of Reading. Where the capital asset sold was located at an established place of business of the taxpayer outside City of Reading, the profit realized on the sale thereof may be excluded from the tax base.

(3) Bulk sale or exchange, merger. Where a corporation realizes a gain as the result of a sale or exchange of substantially all of its assets, or as the result of a merger or consolidation with another corporation, the amount of such a gain must be included in the tax base.

S. Deposit on container. A person making a sale of products in a container on which there is a deposit to insure the return of the container is require to report only the gross selling price of the product in the container.

T. Vending machines. The entire gross receipts of vending machines and other mechanical devices which dispense goods, wares, and merchandise are to be included in the gross volume of business of the owner or lessor thereof. No deductions may be made therefrom for splits, rentals, commissions or other remuneration to persons in charge of the machines and/or to the lessees of the premises upon which the machines are located.

U. Intercompany transactions. Receipts from transactions between affiliated companies other than those of a purely accommodation nature, are subject to inclusion in "gross volume of business."

V. Property traded in. In the case of trade-in transactions in which goods, wares and merchandise are sold and allowances made for other property which is traded in and is accepted by the vendor or dealer in part payment of the property sold, the allowance made for the property traded in shall not be deducted from the selling price of the property sold in computing the gross receipts upon which the tax is based. The vendor or dealer must include in his gross volume of business the full selling price of the property sold without any deduction therefrom for any allowance made or property traded in. Where the property traded is subsequently sold by the vendor or dealer, the latter must include in his gross receipts only the amount by which the sale of the article exceeds the trade-in allowance.

W. Refunds, credits or allowances. Refunds, credits or allowances given by the seller to a purchaser on account of defects in goods sold or merchandise returned may be deducted from gross receipts in ascertaining the amount to be reported as taxable.

X. Commissions paid by brokers. Any broker, agent or salesman who splits or otherwise divides a commission with another broker, agent or salesman in the same type of business by reason of the fact that the second broker initiated, executed, cleared or completed a portion of the transaction for which the fee is paid shall be permitted to exclude from his gross receipts that portion of the fee paid to the other broker, agent or salesman. This section does not exempt so-called finders' fees, kickbacks, commissions or other remuneration paid by a broker, agent or salesman to another individual not in the same type of business as the broker, agent or salesman. Nor does this section exempt from the gross receipts of a broker or agent a commission paid by said broker or agent to a salesman affiliated with him.

Y. Bad debts. (See appropriate section of the ordinance.[13])

Z. Taxes collected as agent for the United States of America, Commonwealth of Pennsylvania, or the City of Reading. Taxes collected as agent for the United States of America, Commonwealth of Pennsylvania, or the City of Reading are excludable from taxable receipts.

§ 549-516. Partial exemptions.

(See appropriate section of the ordinance.)[14]

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13. Editor's Note: See § 549-403.

14. Editor's Note: See § 549-403E.

§ 549-517. When same tax is imposed by two taxing bodies.

(See appropriate section of the ordinance.)[15]

§ 549-518. Records.

(See appropriate section of the ordinance.)[16]

§ 549-519. Returns. [Amended 8-11-2008 by Ord. No. 50-2008]

A. Filing returns. Forms may be obtained from the Business Privilege Tax Office in Reading City Hall or by writing to the Business Privilege Tax Office of the City of Reading, Reading, PA 19601. Failure to receive the forms will not excuse the taxpayer for failure to file a return.

B. Who must file a return. Every individual, partnership, limited partnership, association and corporation, and every receiver, trustee, assignee, or other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of persons carrying on or exercising for gain or profit any trade, business, profession, vocation or commercial activity in the City of Reading must file business privilege tax returns.

C. Partnerships. A partnership is considered to be a taxable unit. The respective partners are not required to file separate returns as individuals, but they are jointly and severally liable for payment of the tax.

D. Signature. If the taxpayer is an individual, he shall sign the return. If the taxpayer is a partnership, the return should be signed by at least one of the general partners. If the taxpayer is a corporation, the return should be signed by an officer of the corporation.

E. Multiple places of business. If a taxpayer maintains more than one place of business in the City of Reading, he is required to file only one return and may include therein the receipts from transactions occurring in all his places of business in the City of Reading.

F. Lessors and lessees of departments within other business. (See § 549-515K.)

G. Time and place of filing. (See appropriate section of the ordinance.)[17]

H. Payment of tax and penalties for late payment. (See appropriate section of the ordinance.)[18]

I. Refund.

(1) Any tax payment made under protest which the City of Reading thereafter determines to have been improperly paid shall be refunded to the taxpayer together with interest thereon computed at 6% per annum from the date of payment to the date of refund.

(2) In accordance with the Local Taxpayers' Bill of Rights (Act 50 of 1998) 53 Pa.C.S.A. § 8421 et seq., all refund requests must be made within three years of the due date for filing the report or tax return (with allowable extensions) or one year after actual

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15. Editor's Note: See § 549-403F.

16. Editor's Note: See § 549-403G.

17. Editor's Note: See § 549-404.

18. Editor's Note: See § 549-404.

payment of the tax, whichever is later. If no report or tax return is required for the tax, a taxpayer must make a refund claim within three years after the due date for payment of the eligible tax or within one year after actual payment of the tax, whichever is later. For amounts paid after receipt of an Assessment Notice, the taxpayer must make a request for a refund to the City of Reading within one year of the date of the payment. A tax return filed by the taxpayer showing an overpayment will also be deemed to be a request for a cash refund unless otherwise indicated.

§ 549-520. License.[19]

(See appropriate section of the ordinance.[20] See also Chapter 339, Licenses and Permits, Part 2, Business Privilege License.)

A. To whom ordinance applies. (See appropriate section of the ordinance.)[21]

B. Posting license.

(1) Generally. The license must be posted conspicuously at each place of business of licensee at all times.

(2) Vending machine owners. A person who sells goods, wares or merchandise by means of vending machines and who has not otherwise procured a license under this Part shall procure one license covering all his vending machines and shall post it at his principal place of business.

(3) Persons with no place of business in the City of Reading. Persons conducting business within the City of Reading but having no "place of business" there shall not be required to post their license. But, if such time as such licensee establishes a place of business in the City of Reading, he shall notify the Administrative Services Director of the location of such place of business and shall thereafter post his license at such place of business.

(4) Contractors. Contractors, regardless of the number of field offices maintained within the City of Reading, shall be considered to have one place of business for the purpose of licensing.

§ 549-521. Violations and penalties.

(See appropriate section of the ordinance.)[22]

§ 549-522. Continuing offense.

(See appropriate section of the ordinance.)[23]

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19. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

20. Editor's Note: See § 549-405.

21. Editor's Note: See § 549-403.

22. Editor's Note: See § 549-406.

23. Editor's Note: See § 549-406.

§ 549-523. Powers and duties of business administrator.

(See appropriate section of the ordinance.)[24]

§ 549-524. Confidential nature of returns, etc.

(See appropriate section of the ordinance.)[25]

§ 549-525. Suit on collection and penalty.

(See appropriate section of the ordinance.)[26]

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24. Editor's Note: See § 549-407.

25. Editor's Note: See § 549-408.

26. Editor's Note: See § 549-409.

Part 6
Per Capita Tax
[Adopted 12-1-1976 By Ord. No. 44-1976 (Ch. 24, Part 1, Of The 2001 Code Of Ordinances)]

§ 549-601. Definitions. [Amended 12-28-1977 by Ord. No. 57-1977; 5-29-2001 by Ord. No. 14-2001]

The following words and phrases, when used in this Part, shall have the meaning ascribed to them in this section unless the context clearly indicates a different meaning:

ADMINISTRATIVE SERVICES DIRECTOR — The person designated by Council to administer and enforce the tax.

CITY — The City of Reading.

DUE DATE — July 1 of each tax year for residents as of the date and for those acquiring residency within the tax year after that date the date of acquiring residency within the City.

RESIDENT — A person who is a resident of the City of Reading on or after July 1 of each tax year.

TAX — A tax of $10 per year levied on each resident of the City of Reading who has attained his or her 18th year as of July 1 of the tax year.

TAXPAYER — Any person who has attained his or her 18th year as of July 1 of the tax year and is a resident of the City on or after July 1 of each tax year.

TREASURER — The Administrative Services Director of the City of Reading.

§ 549-602. Levy and collection.[27]

The City hereby imposes on each resident taxpayer an annual per capita tax of $15. Said tax is authorized by the Local Tax Enabling Act (53 P.S. § 6924.101 et seq.).

§ 549-603. Amount. [Amended 5-29-2001 by Ord. No. 14-2001[28]]

Said per capita tax shall be the amount of $15 to be paid to the Administrative Services Director of the City of Reading.

§ 549-604. Notice. [Amended 5-29-2001 by Ord. No. 14-2001]

The Administrative Services Director shall cause tax notices to be mailed to all taxpayers within the City prior to July 1 of each tax year; however, failure to mail such notice or failure of the taxpayer to receive such notice shall not excuse payment thereof.

§ 549-605. Discount, penalty and interest. [Amended 12-28-1977 by Ord. No. 57-1977]

If said tax is paid by the taxpayer during the first two months of the due date for said taxpayer, the taxpayer shall be allowed a discount of 2%. During the subsequent two months, the flat rate shall apply. If payment is made after the fourth month of the due date, the taxpayer shall be

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27. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

28. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

charged a penalty of 10%, plus interest at the rate of 1% per month computed from the beginning of the fifth month following the due date.

§ 549-606. Enforcement by Administrative Services Director. [Amended 5-29-2001 by Ord. No. 14-2001]

The Administrative Services Director is hereby charged with the administration and the enforcement of the tax and he shall have all the powers delegated to the Tax Collector under §§ 19, 20 and 21 of the Local Tax Enabling Act[29] for the collection of delinquent taxes and any other powers which are inferred by the legislature for the collection of delinquent taxes. The per capita tax imposed for each calendar year shall be termed delinquent if not paid as of November 1 of the tax year.

§ 549-607. Not a substitute tax.

This tax is imposed in addition and not in substitution of any existing taxes of the City of Reading.

§ 549-608. (Reserved)[30]

§ 549-609. Violations and penalties. [Added 8-26-2013 by Ord. No. 35-2013]

Upon conviction of a violation, any person, firm or corporation shall be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

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29. Editor's Note: See 59 P.S. §§ 6924.702, 6924.703 and 6924.705, respectively.

30. Editor's Note: Former § 549-608, Exemption, added 8-26-2013 by Ord. No. 35-2013, was repealed 1-27-2014 by Ord. No. 4-2014.

Part 7
Amusement Tax

[Adopted 11-30-1998 By Ord. No. 37-1998 (Ch. 24, Part 6, Of The 2001 Code Of Ordinances)]

§ 549-701. Establishment of an admission tax.

This Part shall be known and may be cited as the "City of Reading Admission Tax Ordinance."

§ 549-702. Definitions.

The following words and phrases, when used in this Part, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

AMUSEMENT — All manner and forms of entertainment, including, among others, theatrical, operatic or dramatic performances, concerts, circuses, carnivals, side shows, air shows, fairs, farm or agricultural competitions, equestrian competitions, exhibitions, dances, dog shows, bathing pools, amusement parks, contests and other events involving games of chance, competitions and athletic events, including but not limited to, archery, baseball, basketball, bowling, boxing, football, golf, hockey, handball, squash, shooting, soccer, swimming, tennis, wrestling, and all other forms of diversion, sport, recreation, entertainment or pastime for which admission is charged or paid, by tickets, cover charges, or any other method of obtaining monetary contributions, donations, or deposits from the general public or a limited or selected portion thereof.

CHARITABLE OR NOT-FOR-PROFIT ORGANIZATION — Any organization or entity qualified as a charitable organization by the United States Internal Revenue Service or a not-for-profit organization registered with the Commonwealth of Pennsylvania Department of Revenue under applicable laws and regulations governing the same.

CHARITABLE PURPOSE — Any advertised purpose, the proposed amusement or entertainment activity for which is expressly designed and intended to raise funds for a charitable or not-for-profit organization as defined herein. A written statement of assurance by the producer, as defined herein, and actual proof of deposit of at least 75% of total revenues from the advertised activity with the charitable or not-for-profit organization shall be required as a condition of qualification of a charitable event.

ESTABLISHED PRICE — A regular monetary charge of any character whatever, including donations, contributions, fixed and exacted, or in any manner fixed and received by producers, as herein defined, from the general public, or limited or selected number thereof, directly or indirectly, for the privilege to attend or engage in any entertainment or amusement (provided that when such entertainment or amusement is conducted at any roof garden, nightclub, cabaret or other place where charge for admission is wholly, or in part, included in the price paid for refreshment, service, or merchandise, the amount paid for admission to such amusement shall be deemed to be the amount of the cover or minimum charge, if any, less the reasonable value of food, drink or other tangible item provided).

PERSON — Every individual person, copartnership, association, unincorporated enterprise owned by two or more persons, corporations, limited-liability companies, trusts or other legal entities, domestic or foreign. Whenever used in any section prescribing and imposing a penalty, or both, the term "person" as applied to copartnerships or associations, shall mean the partners, or members thereof, and as applied to corporations, the officers thereof.

PLACE OF AMUSEMENT — Any place, indoors or outdoors, within the City of Reading, where the general public or a limited or selected number thereof may, upon payment of an established price, attend or engage in any amusement as herein defined, including, among others, theaters, opera houses, exhibition halls, exposition centers, amusement parks, airports, stadiums, arenas, gymnasiums, baseball fields, recreation areas, skating rinks, circus or carnival tents or grounds, fairgrounds, halls, lodge rooms, riding academies, golf courses, bathing and swimming places, bowling alleys, dance halls, tennis courts, archery, rifle or shotgun ranges, parimutuel betting establishments, roof gardens, bars and taverns, cabarets, night clubs, dinner theaters and other like places.

PRODUCER — Any person, as herein defined, conducting any amusement or place of amusement, as herein defined, where the general public or a limited or selected number thereof, may, upon payment of an established price or donation, attend or engage in any amusement.

TEMPORARY AMUSEMENT — An amusement to be conducted at one location for a period of less than one month.

§ 549-703. Permits.

A. On or after the effective date of this Part, it shall be unlawful for any producer to continue to conduct, or thereafter to begin to conduct any form or amusement at any permanent or temporary or itinerant form of amusement within the City of Reading, unless an amusement permit or permits shall have been issued to said person as hereinafter prescribed and the tax herein imposed paid in accordance with the provisions herein made.

B. Application.

(1) Every producer desiring to continue to conduct or hereafter to begin to conduct any amusement within the City of Reading shall file an application for a permanent, temporary or itinerant amusement permit or permits, as the case may be, with the Tax Administration Office. Every application for such permit or permits shall be made upon a form prescribed, prepared and furnished by the Tax Administration Office, and shall set forth the following:

(a) The name under which the applicant conducts or intends to conduct an amusement.

(b) Whether the applicant conducts or intends to conduct a permanent or temporary or itinerant form of amusement.

(c) The location of amusement.

(d) In the case of temporary or itinerant amusement, a statement of consent of the lessee or owner of the location of said amusement.

(e) Such other information, including written evidence of consent by the owner or lessee, as the Tax Administration Office may require.

(2) If the applicant has or intends to have more than one place of amusement within the City of Reading, the application shall state the location of each place of amusement, and in the case of itinerant forms of amusement, the date and expected length of time such amusement is to be conducted at each place. In the case of temporary forms of amusement, the application shall state the name and address of the owner,

lessee, custodian or other controller of the premises upon which such amusement is to be conducted. If the applicant is an association or corporation, the names and residential addresses of the principal officers thereof; together with any other information prescribed or required by the Tax Administration Office for purposes of identification and service of process, if necessary. The application shall be signed by the producer, if a natural person; in the case of any other type of entity, by an authorized member or officer thereof; and, in the case of a corporation, by an authorized officer thereof.

C. Every applicant, at the time of making such application, shall pay to the Tax Administration Office a permit fee for each temporary or annual permit, as provided in Chapter 212, Fees.[31]

D. Upon approval of the application and the payment of any permit fee or fees herein required, the Tax Administration Office shall grant and issue to each applicant an annual or temporary amusement permit for each place of amusement within the City of Reading as set forth in the application. Amusement permits shall not be assignable, shall be valid only for the persons, entities or organization in whose names the permits are issued and shall apply only to the conduct of amusements so specified in the application at the place or places so designated. An amusement permit shall be issued for each place of amusement activity and the same shall be prominently displayed at the place for which each is issued.

E. All permits for permanent places of amusement shall expire on the first day of January in the year next succeeding the date of issue, unless sooner suspended, surrendered or revoked for cause by action of City Council. Permits for temporary or itinerant places or forms of amusement shall expire at the time specified therein. The producer of any itinerant form of amusement shall notify the Tax Administration Office promptly of any change in the original itinerary relating to date, time, place or method of conduct of the itinerant form of amusement specified in the permit.

F. Permits issued for the permanent places of amusement, under the provisions of this Part, may be renewed annually before the January 1, upon application made to the Tax Administration Office, and the payment of a renewal fee as provided in Chapter 212, Fees. In the case of nonprofit or not-for-profit corporation organizations, the permit may be renewed annually before the January 1, upon application made to the Tax Administration Office, and the payment of renewal fee as provided in Chapter 212, Fees. Whenever any permit, issued under the provisions of this Part, is defaced, destroyed or lost, the Tax Administration Office may issue a duplicate permit to the holder of the defaced, destroyed or lost permit upon the payment of fee as provided in Chapter 212, Fees.[32]

G. The Tax Administration Office may suspend, or, after written notice to the permittee revoke an amusement permit if, in the judgment of the Tax Administration Office, the permit holder has failed to comply with the provisions of this Part. Upon suspending or revoking any amusement permit, the Tax Administration Office shall request the permittee to surrender all permits, including any duplicates thereof, and direct the permittee to discontinue and cease the amusement activity forthwith.

§ 549-704. Imposition of tax. [Amended 5-29-2001 by Ord. No. 14-2001]

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31. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

32. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

A. A tax is hereby imposed upon the admission to places of amusement as defined in § 549-702, "Amusement" hereof, at the rate of 5% of the established price charged the general public, or a limited or select group thereof, by any producer for such admission, which shall be paid by the person acquiring the same.

(1) With regard to any producer (as defined herein) that is required to report gross receipts for admissions to amusements to any franchiser, licensor or to any other party or entity to which said producer may be required to pay royalties, license fees or other charges based on admissions revenue, the tax imposed herein shall be calculated on the basis of the gross receipts so reported.

B. This tax shall apply only to admission charges for amusements (as defined in § 549-702 hereof, that are held at any stadium, facility, arena, convention center, civic center, theater or other similar facility owned in whole or in part by the City of Reading or any authority to which the City of Reading has any power to appoint representatives or board members.

(1) Any amusements for which the City of Reading and/or the Reading School District shall act as producer shall be exempt from the tax imposed hereinafter.

(2) Any amusements taking place on any playground or other facility operated by the Recreation Department of the City of Reading Public Works Department shall be exempt from the tax imposed hereunder.

C. In the case of persons having the permanent use of boxes or seats in any place of amusement, or a lease for the use of such box, or seat in such place of amusement, the tax imposed by this Part shall be computed on the established price for which a similar box or seat is sold for each performance or exhibit, at which the box or seat is used or reserved by or for the lessee or holder, and then shall be paid by the lessee or holder. The terms of this subsection shall not apply to any producer whose tax is calculated pursuant to § 549-704A(1) set forth.

§ 549-705. Collection and payment of tax.

A. Producers and permittees shall collect the tax imposed by this Part and shall be liable to the City of Reading as agents thereof for payment of the same to the City of Reading through the Tax Administration Office, as hereinafter provided.

B. Where permits are obtained for conducting temporary or itinerant amusement by persons who are not the owners, lessee, custodians or other controllers of the place(s) where the amusement(s) is held or conducted; or where the temporary or itinerant amusement is permitted by the owner, lessee, custodian or other controller to be conducted without the procurement of a permit as required herein, the tax imposed by this Part, together with any penalties, and interest imposed thereon as hereafter provided, shall be the debt and liability of the said owner, lessee, custodian or other controller.

§ 549-706. Reports, interest and penalties.

A. Ever producer, except as hereinafter provided, conducting a place of amusement on or before the 10th day of each month after the effective date of this Part shall transmit and file with the Tax Administration Office, on the form prescribed, a completed and accurate report of the amount of tax collected by the producer during the preceding month together with payment of taxes due.

(1) In the case of a producer whose tax is calculated pursuant to § 549-704A(1) above, if such producer reports its gross receipts to its franchiser, licensor or other party or entity as described therein on a quarterly, annual or other basis less frequently than monthly, then the monthly report required to be transmitted and filed by such producer with the Tax Administration Office shall report, and the tax payable with respect to such month shall be based on the producer's gross receipts for the relevant month, calculated on the basis described in § 549-704A(1), with a further filing and tax reconciliation based upon the actual quarterly, annual or other report actually submitted by such producer to the franchiser, licensor or other party or entity.

B. Every producer conducting a temporary or itinerant amusement shall file a report on the form prescribed, with the Tax Administration Office, together with payment of taxes due, within 10 days of the completion of each such amusement.

C. All taxes due and payable for permanent amusement(s) but unpaid on the 10th day of the following month shall bear interest at the legal rate until paid. All taxes due and payable for temporary or itinerant amusement(s) but unpaid on the 10th day following completing thereof shall bear interest at the legal rate until paid.

D. Any producer who neglects or refuses to file monthly reports and/or pay taxes legally due as required herein shall be assessed a penalty in the amount of 10% per annum of the amount of tax due, in addition to interest otherwise payable as provided hereinabove.

E. All amounts of tax, interest and penalties due shall be recoverable by the City of Reading in the same manner as other debts due the City are by law recoverable.

§ 549-707. Audits.

A. The Tax Administration Office is hereby authorized and empowered to examine the books, records, papers, tax returns, ticket stubs, attendance reports and other records or documents of any producer, taxable under this Part, to verify the accuracy of any report or payment made under the provisions hereof or to determine the amount of tax, interest and penalties, if any, otherwise payable.

(1) With regard to any producer whose tax is calculated pursuant to § 549-704A(1) above, the subject of any audit inquiry shall be limited only to a review and examination of the receipts or revenue information of said producer.

(2) With regard to any producer whose tax is calculated pursuant to § 549-704A(1) above, any allocation by said producer of receipts between a charge for admission and other services or products provided by the producer shall be as set forth in said report forwarded to the franchiser, licensor or other party or entity so acting unless said allocation is challenged or changed by said franchiser, licensor or other party or entity so acting. Said producer shall notify the Tax Administration Office of any such challenge or change.

B. The Tax Administration Office is hereby authorized and directed to make and keep such records, prepare such forms and take such other measures as may be necessary or convenient and appropriate to carry this Part into effect and further, may require reasonable deposits to be paid in advance by applicants for temporary or itinerant permits.

§ 549-708. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

A. Any person, firm or corporation who shall:

(1) Fail to file the reports required under this Part.

(2) Fail to pay any tax or license fee due under this Part.

(3) Fail to fully cooperate any produce any records upon audit.

B. Upon conviction thereof, shall be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

Part 8
Local Services Tax
[Adopted 11-26-2007 By Ord. No. 77-2007 (Ch. 24, Part 4, Of The 2001 Code Of Ordinances)]

§ 549-801. Definitions. [Amended 10-25-2010 by Ord. No. 84-2010]

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

ADMINISTRATIVE SERVICES DIRECTOR — The person, public employee or private agency designated by City Council to collect and/or administer and/or enforce the Local Services Tax.

DCED — The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME — Compensation as this term is defined in § 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1257, § 13, as amended, 53 P.S. § 6913, as amended.[33]

EMPLOYER — An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HIS, HIM or HER — Indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL — Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the City of Reading.

NET PROFITS — The net income from the operation of a business, profession; or other activity, as this term is defined in § 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1251, § 13, as amended, 53 P.S. § 6913, as amended.[34]

OCCUPATION — Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the City of Reading for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

POLITICAL SUBDIVISION — A county, city, borough, incorporated town or township.

TAX — The local services tax at the rate fixed in § 549-802 of this Part.

TAX YEAR — The period from January 1 until December 31 in any year; a calendar year.

TREASURER — The Director of Administrative Services of the City of Reading and/or the private agency designated by City Council to receive returns and payments as mandated under this Part.

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33. Editor's Note: See now 53 P.S. § 6924.301.

34. Editor's Note: See now 53 P.S. § 6924.301.

§ 549-802. Levy of tax.

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008; upon the privilege of engaging in an occupation with a primary place of employment within the City of Reading during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of $52, assessed on a pro rata basis, in accordance with the provisions of this Part. This tax may be used solely for the following purposes as the same may be allocated by the City of Reading from time to time: emergency services, which shall include emergency medical services, police services and/or fire services; road construction and/or maintenance; reduction of property taxes; or property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion). The City of Reading shall use no less than 25% of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the City of Reading. The tax shall be no more than $52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person maybe employed.

§ 549-803. Penalty and interest.

Employers are required to remit the local services tax 30 days after the end of each quarter of a calendar year. Payments made after this time will be charged a penalty of 10% and interest computed at 1% per month from the inception of the penalty period.

§ 549-804. Exemption and refunds.

A. Exemption. Any person whose total earned income and net profits from all sources within the City of Reading is less than $12,000, or less than $1,000 for the school district for any calendar year in which the tax is levied, is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

(1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total 100% disability.

(2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subsection, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

B. Procedure to claim exemption.

(1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the City of Reading and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the City of Reading of less than $12,000 in the calendar year for which the exemption certificate is filed. An exemption certificate is to be provided to the City of Reading Administrative Services Director. The exemption

certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the City of Reading for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the City of Reading or except as required by Subsection B(2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the City of Reading.

(2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the City of Reading that the person has received earned income and net profits from all sources within the City equal to or in excess of $12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in an amount equal to or in excess of $12,000 in that calendar year, an employer shall withhold the local services tax from the person under Subsection B(3).

(3) If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under Subsection B(2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under Subsection B(2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per-payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this subsection is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the City of Reading may pursue collection under this Part.

(4) Except as provided in Subsection B(2), it is the intent of this Subsection B that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.

C. Refunds. Any taxpayer eligible for a refund of the local services tax due to a double deduction, an erroneous deduction or who became eligible for an exemption within a calendar year may request a refund. Any request for refund under this section shall be filed in writing with the Administrative Services Director and shall be in accordance with 53 Pa.C.S.A. §§ 8425 and 8426. No refunds shall be made for amounts overpaid in a calendar year that do not exceed $1.

§ 549-805. Duty of employers to collect.

A. Each employer within the City of Reading, as well as those employers situated outside the City of Reading but who engage in business within the City of Reading, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the City of Reading and making a return and payment

thereof to the Treasurer. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the City of Reading.

B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll-period basis for each payroll period in which the person is engaging in an occupation, except as provided in Subsection D of this section. For purposes of this subsection, "combined rate" shall mean the aggregate annual rate of the tax levied by the school district and the municipality.

C. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

E. The tax shall be no more than $52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The City of Reading shall provide a taxpayer a receipt of payment upon request by the taxpayer.

F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the City of Reading if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of § 549-804B of this Part and this section and remits the amount so withheld in accordance with this Part.

G. Employers shall be required to remit the local services taxes 30 days after the end of each quarter of a calendar year.

§ 549-806. Returns.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the City of Reading. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this Part, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

§ 549-807. Dates for determining tax liability and payment.

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Treasurer on or before the 13th day following the end of each calendar quarter of each such tax year.

§ 549-808. Self-employed individuals.

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the City of Reading shall be required to comply with this Part and pay the pro rata portion of the tax due to the Treasurer on or before the 13th day following the end of each quarter.

§ 549-809. Individuals engaged in more than one occupation or employed in more than one political subdivision.

A. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

   (1) First, the political subdivision in which a person maintains his or her principal office or is principally employed.

   (2) Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision.

   (3) Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

B. In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

§ 549-810. Nonresidents subject to tax.

All employers and self-employed individuals residing or having their places of business outside of the City of Reading but who perform services of any type or kind or engage in any occupation or profession within the City of Reading do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though they were residents of the City of Reading. Further, any individual engaged in an occupation within the City of Reading and an employee of a nonresidential employer may, for the purpose of this Part, be considered a self-employed person, and in the event his or her tax is not paid, the City of Reading shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

§ 549-811. Administration of tax.

A. It shall be the duty of the Administrative Services Director to accept and enforce this tax and to keep a record thereof showing the amount and date received by each employer or self-employed person.

B. The Administrative Services Director is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Administrative Services Director shall have the right to appeal to the Court of Common Pleas of Berks County as in other cases provided.

C. The Administrative Services Director is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Administrative Services Director the means, facilities and opportunity for such examination.

§ 549-812. Suits for collection.

In the event that any tax under this Part remains due or unpaid 30 days after the due dates above set forth, the Administrative Services Director may sue for the recovery of any such tax due or unpaid under this Part, together with interest and penalty as provided in § 549-903. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

§ 549-813. Violations and penalties.

Whoever makes any false or untrue statement on any return required by this Part, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this Part shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than $600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this Part.

§ 549-814. Interpretation.

A. Nothing contained in this Part shall be construed to empower the City of Reading to levy and collect the tax hereby imposed on any occupation not within the taxing power of the City of Reading under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

B. If the tax hereby imposed under the provisions of this Part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

Part 9
Nonresident Earned Income And Net Profits Tax
[Adopted 11-23-2015 By Ord. No. 66-2015[35]]

§ 549-901. Tax on nonresidents subject to tax in domicile.

The City of Reading hereby imposes a tax of 0.3% on all earned income and net profits generated by nonresidents 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 1.0%.

§ 549-902. Tax on nonresidents not subject to tax in domicile.

The City of Reading hereby imposes a tax of 1.3% on all earned income and net profits generated by nonresidents 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.

§ 549-903. Tax percentage to equal 1.3%.

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 1.3% on all earned income and net profits generated by nonresidents of the City of Reading within the City of Reading.

§ 549-904. Imposition of tax.

This tax on nonresidents is hereby imposed on:

A. All salaries, wages, commissions and other compensation earned on or after January 1, 2016, during the calendar year 2016, by nonresidents 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, 2016, during the calendar year 2016, of businesses, professions or other activities conducted in the City of Reading by nonresidents.

§ 549-905. Tax not shared with school district; credit for tax paid to home municipality.

This tax levied above shall not be shared by the school district, of Reading or otherwise, and nonresidents shall continue to be given credit for the amount of earned income tax paid to their home municipal taxing authorities.

§ 549-906. Use of revenue.

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

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35. Editor's Note: This Ordinance Also Superseded Former Part 9, Nonresident Earned Income And Net Profits Tax, Adopted 11-24-2014 By Ord. No. 92-2014.

§ 549-907. Collection.

This tax shall first be levied, collected and paid beginning on January 1, 2016, and during the calendar year of 2016 under all circumstances, whether or not a fiscal year is used by the taxpayer.

§ 549-908. Effective date.

This Part shall become effective January 1, 2016, 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.

Part 10
Home Rule Earned Income Tax

[Adopted 11-26-2012 By Ord. No. 118-2012]

§ 549-1001. Definitions.

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different meaning:

ASSOCIATION — A partnership, limited partnership or any other unincorporated group of two or more persons.

BUSINESS — An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit, whether by a person, partnership, association or any other entity.

CORPORATION — A corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other state, territory, foreign country or dependency.

COUNCIL — The City Council of Reading.

CURRENT YEAR — The calendar year for which the tax is levied.

DOMICILE — The place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

EARNED INCOME — Salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and whether in cash or in property, not including, however, wages or compensation paid to persons on active military service, periodic payments for sickness and disability other than regular wages received during a period of sickness, disability or retirement, or payments arising under workmen's compensation acts, occupational disease acts and similar legislation, or payments commonly recognized as old age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment, or payments commonly known as public assistance, or unemployment compensation payments by any governmental agency, or payments to reimburse expenses, or payments made by employers or labor unions for wage and salary supplemental programs, including, but not limited to, programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement.

EMPLOYER — A person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one or more persons for a salary, wage, commission or other compensation.

INCOME TAX OFFICER or OFFICER — A person, public employee or private agency designated by the governing body to collect and administer the tax on earned income and net profits.

NET PROFITS — The net income from the operation of a business, profession or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used in such business, profession, or other activity, but without deduction of taxes based on income.

NONRESIDENT — A person, partnership, association or other entity domiciled outside the taxing district.

PERSON or INDIVIDUAL — A natural person.

PRECEDING YEAR — The calendar year before the current year.

RESIDENT — A person, partnership, association or other entity domiciled in the taxing district.

SUCCEEDING YEAR — The calendar year following the current year.

TAX ADMINISTRATION — The City of Reading Tax Administration designated by Council to administer the provisions of this Earned Income Tax article under the direction of the Administrative Services Director.

TAXPAYER — A person, partnership, association or any other entity required hereunder to file a return of earned income or net profits, or to pay a tax thereon.

§ 549-1002. Imposition of tax.

A. A tax, for general revenue purposes, of 1.6% over and above the tax collected under § 549-201 et seq. of the Code of the City of Reading is hereby imposed on the following:

(1) Salaries, wages, commissions and other compensation earned from year to year, on and after January 1, 2013, by individual residents of the City of Reading.

(2) Net profits earned from year to year, on and after January 1, 2013, by residents of the City.

B. The tax levied under Subsection A(1) hereof shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on his behalf to a person who is employed by him. The tax levied under Subsection A(2) hereof shall relate to and be imposed on the net profits of any business, profession or other activity carried on by any person or persons.

C. Every corporation which is subject to the Pennsylvania Corporate Net Income Tax or exempt from the Pennsylvania Corporate Net Income Tax and every foreign corporation which is subject to the Pennsylvania Franchise Tax or exempt from the Pennsylvania Franchise Tax, shall be exempt from the tax imposed by this article.

D. The tax levied by this article shall be applicable to salaries, wages, commissions and other compensation and to net profits earned in the period beginning January 1, 2013, and ending December 31, 2013, and thereafter, from year to year on a calendar-year basis and shall be in addition to the tax imposed for the same period or periods under § 549-201 et seq.

§ 549-1003. Annual returns of taxpayers.

A. On or before April 15 of each year, every person, resident or nonresident, who resided in the City of Reading for all or any part of the preceding calendar year shall file with the

appropriate officer an annual tax return showing all earned income and net profits received and/or earned for the previous year. A husband and wife may file a joint return.

B. If a person has no earned income to report, the word "none" shall be entered on the annual tax return, and the return shall be signed, dated and returned to the officer with an explanation (military service, retired, disability income only, etc.).

C. If net profits are received, the type of business, profession, or activity shall be indicated on annual tax return and the amount of the profits shall be shown on the appropriate line(s) of the return. If a net loss is incurred in the operation of a business activity, it may not be offset against the net profit of other business activities or earned income. Losses shall be indicated as zero in all calculations involving net profits on the annual tax return. Copies of the appropriate Federal or Pennsylvania Income Tax Schedules shall be attached to the annual tax return to substantiate profits and/or losses indicated.

D. When a return is made for a fiscal year, the return shall be filed within 105 days from the end of said fiscal year.

E. The annual tax return shall also show the taxpayer's name, social security number, address, place or places of employment or business, the amounts of tax due, the amount of any credit claimed for tax withheld by an employer (with a copy of the earnings and tax statement) or paid on estimate and such other information as may be indicated on the return form or as may be required by the Officer. Every person subject to the tax shall file such return regardless of the fact that his wages may have been subject to withholding of the tax by his employer and regardless of whether or not tax is due.

F. At the time of filing the annual return, the taxpayer shall pay any tax due.

G. Tax returns must be signed and dated by the taxpayer(s) in the space(s) provided.

§ 549-1004. Declaration and payment of tax.

A. Net profits.

(1) Every taxpayer who reasonably expects that he will earn any taxable net profits during the period between January 1, 2013, and December 31, 2013, and thereafter, from year to year, shall, on or before April 15, 2013, and April 15 of each succeeding year, make and file with the Income Tax Officer, on a form prescribed by the Income Tax Officer, a declaration of his estimated net profits for the period beginning January 1, 2013, and ending December 31, 2013, and thereafter in each succeeding year between January 1 and December 31, setting forth the estimated amount of net profits reasonably expected by him for such period and subject to the tax, the amount of estimated tax imposed by this article on such estimated net profits, and such other relevant information as the Income Tax Officer may require. The taxpayer making the declaration shall, at the time of filing thereof, pay the City one-fourth of the estimated tax shown as due thereon and such taxpayer shall thereafter pay one-fourth of the estimated tax in each of three installments, as follows: one installment on or before June 15, 2013, one installment on or before September 15, 2013, and the last installment on or before January 15, 2014, and thereafter, from year to year, on June 15, September 15 and January 15, in each succeeding year.

(2) A person who on April 15, 2013, did not reasonably expect that he would earn any taxable net profits during the period between January 1, 2013, and December 31, 2013, and who, subsequent to April 15, 2013, reasonably expects that he will earn taxable net profits on or before December 31, 2013, shall make and file on or before June 15, 2013, September 15, 2013, or January 15, 2014, and thereafter, from year to year, on June 15, September 15, and January 15, respectively, in each succeeding year, whichever of these dates next follows the date on which the taxpayer first reasonably expects such net profits, a declaration similar to that required under Subsection A(1) hereof. The taxpayer making the declaration shall, at the time of filing thereof, pay to the City the estimated tax shown as due thereon; provided, however, that the taxpayer shall have the right to pay the estimated tax in equal installments on or before the quarterly installment payment dates which remain after the filing of the declaration.

(3) The Income Tax Officer is hereby authorized to provide by regulations, approved by Council, for the making and filing of adjusted declarations of estimated net profits, and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required shall thereafter either reasonably expect additional net profits not previously declared or find that he has overestimated his net profits.

(4) On or before April 15, 2014, and April 15 thereafter, from year to year, every taxpayer who has earned taxable net profits shall make and file with the Income Tax Officer a final return showing all of such net profits for the period beginning January 1, 2013, and ending December 31, 2013, and periods thereafter, year to year, the total amount of tax due, the amount of estimated tax paid under the provisions of this section and the balance due. When the return is made for a fiscal year different from the calendar year, the return shall be made within 105 days from the end of such fiscal year. The percentage of the total net profits of any calendar or fiscal year of a taxpayer beginning or ending within the period beginning January 1, 2013, and ending December 31, 2013, to which the tax imposed by this article shall be applicable shall be equal to the same percentage of such total net profits as the number of days in any such year within such period bears to the total number of days in any such year. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

(5) Every taxpayer who discontinues business prior to December 31, 2013, or prior to December 31 in any succeeding year while this article is in force and effect, shall, within 30 days after the discontinuance of business, file his final return as hereinabove required and pay the tax due, or demand refund or credit in the case of overpayment.

B. Salaries, wages, commission and other compensation.

(1) Every taxpayer employed on a salary, wage, commission or other compensation basis and who reasonably expects to earn any taxable earnings not subject to the provisions of § 549-1004 relating to the collection at source, shall, on or before April 15, 2013, make and file with the Income Tax Officer a declaration of his estimated total amount of taxable salaries, wages, commissions and other compensation for the period beginning January 1, 2013, and ending December 31, 2013, the estimated amount of the tax thereon that will be deducted therefrom pursuant to § 549-1004, the estimated amount of tax imposed by this article that will not be deducted therefrom pursuant to § 549-1004, and such other relevant information as the Income Tax

Officer may require. In preparing a declaration of estimated taxable salaries, wages, commissions and other compensation taxable under this article, the taxpayer shall use the same amounts with respect to such items as he shall have used in preparing his declaration of estimated tax for the year 2013 for federal income tax purposes, if such taxpayer shall be required to file any such last-mentioned declaration.

(2) A person who on April 15, 2013, did not reasonably expect that he would earn any salaries, wages, commissions and other compensation not subject to the provision of § 549-1004 relating to the collection at source, during the period between January 1, 2013, and December 31, 2013, and who subsequent to April 15, 2013, reasonably expects that he will earn salaries, wages, commissions and other compensation not subject to the provisions of § 549-1004, on or before December 31, 2013, shall make and file on or before June 15, 2013, September 15, 2013, or January 15, 2014, and thereafter from year to year in each succeeding year on June 15, September 15 and January 15, respectively, whichever of these dates next follows the date on which the taxpayer first reasonably expects that he will earn such salaries, wages, commissions and other compensation, a declaration similar to that required under Subsection B(1) hereof. The taxpayer making the declaration shall, at the time of filing thereof, pay to the City the estimated tax shown as due thereon; provided, however, that the taxpayer shall have the right to pay the estimated tax in equal installments on or before quarterly installment payment dates which remain after the filing of the declaration.

(3) The Income Tax Officer is hereby authorized to provide by regulations approved by Council for the making and filing of adjusted declarations of estimated salaries, wages, commissions and other compensation, and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required shall thereafter either reasonably expect additional salaries, wages, commissions and other compensation not previously declared, or find that he has overestimated his salaries, wages, commissions and other compensation.

(4) On or before April 15, 2014, every taxpayer who has received taxable salaries, wages, commissions and other compensation shall make and file with the Income Tax Officer, a final return showing all such salaries, wages, commissions and other compensation earned during the period beginning January 1, 2013, and ending December 31, 2013, the total amount of tax due thereon, the amount, if any, of estimated tax thereon paid under the provisions of this section, and the amount, if any, of tax thereon that has been withheld pursuant to the provisions of § 549-1004 and the balance of tax due.

C. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

§ 549-1005. Collection at source.

A. Every person, firm or corporation within the City who employs one or more persons on a salary, wage, commission or other compensation basis, other than domestic servants, shall deduct, at the time of the payment thereof, the tax imposed by this article on the salaries, wages, commissions and other compensation due to his employee or employees, and shall, on or before April 30, 2013, July 31, 2013, October 31, 2013, and January 31, 2014, respectively, and thereafter year to year, make and file with the Income Tax Officer, a return setting forth the taxes so deducted, and pay to the City the amount of taxes deducted

for the preceding quarterly periods ending March 31, 2013, June 30, 2013, September 30, 2013, and December 31, 2013, respectively, and thereafter year to year.

B. On or before February 28, 2014, and thereafter year to year, every such employer shall file with the Income Tax Officer:

(1) An annual return showing the total amount of salaries, wages, commissions and other compensation earned by each employee on which a tax is imposed by this article, the total amount of taxes so deducted, and the total amount of all taxes paid to the City on account of salaries, wages, commissions and other compensation earned by each employee during the period beginning January 1, 2013, and ending December 31, 2013, and thereafter year to year.

(2) A return for each person employed during all or any part of the period beginning January 1, 2013, and ending December 31, 2013, and thereafter year to year, who earned, during such period, any salaries, wages, commissions or other compensation subject to the tax imposed by this article, setting forth the employee's name, address and social security number, the total amount of salary, wages, commissions or other compensation earned by each employee during such period, and the amount of tax deducted therefrom. Every employer shall furnish a copy of the individual return to each employee for whom the employer is obligated to make a return under the provisions of this article.

C. Every employer who discontinues business prior to December 31, 2013, and thereafter year to year, shall, within 30 days after the discontinuance of business, file the returns herein above required and pay the tax due.

D. The failure or omission of any employer to make the deductions required by this section does not relieve any employee from the payment of the tax or from complying with the requirements of this article relating to the filing of declarations and returns.

E. If an employer makes a deduction of tax as required by this section, the amount deducted shall constitute in the hands of such employer a trust fund held for the account of the City as beneficial owner thereof, and the employee from whose salaries, wages commissions or other compensation such tax was deducted shall be deemed to have paid such tax. Payment of the tax under the provisions of this section shall not relieve the taxpayer from filing a final return required by § 549-1003.

§ 549-1006. Income Tax Officer; powers and duties.

A. It shall be the duty of the Income Tax Officer to collect and receive the taxes, fines and penalties imposed by this Part. It shall also be his duty to keep a record showing the amount received by him from each person paying the tax and, if paid by such person in respect to another person, the name of such other person and the date of such receipt.

B. The Income Tax Officer is hereby charged with the administration and enforcement of the provisions of this Part, and all amendments thereto, as well as all rules and regulations of Council pertaining thereto, for the administration and enforcement of this Part, including provisions for the reexamination and correction of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to grant reasonable extensions of time upon proper cause shown for filing declarations or returns found necessary for the administration of this Part.

C. The Income Tax Officer, and agents designated in writing by him, are hereby authorized to examine the books, papers, and records of any employer, taxpayer, person, firm or corporation whom the officer reasonably believes to be an employer or taxpayer, in order to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every employer, taxpayer, person, firm or corporation whom the Officer reasonably believes to be an employer or taxpayer, is hereby directed and required to give to the Officer, or to any agent designated by him, the means, facilities and opportunity for such examination and investigations, as are hereby authorized.

D. Any information gained by the Income Tax Officer, his agents, or by any other official, agent or employee of the City as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this article shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this article or as otherwise provided by law.

E. Any person aggrieved by any action of the Income Tax Officer shall have the right of appeal as provided by law.

§ 549-1007. Suit for collection of tax.

A. The Income Tax Officer may sue in the name of the City for the recovery of taxes due and unpaid under this article.

B. Any suit brought to recover the tax imposed by this article shall be begun within three years after such tax is due, or within three years after the declaration or return has been filed, whichever date is later; provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:

(1) Where no declaration or return was filed by any person, although a declaration or return was required to be filed by him under provisions of this article, there shall be no limitation.

(2) Where an examination of the declaration or return filed by any person, or of other evidence relating to such declaration or return in the possession of the Income Tax Officer, reveals a fraudulent evasion of taxes, there shall be no limitation.

(3) In the case of substantial understatement of tax liability of 25% or more, and no fraud, suit shall be begun within six years.

(4) Where any person has deducted taxes under the provisions of this Part and has failed to pay the amounts so deducted to the Income Tax Officer, or where any person has willfully failed or omitted to make the deductions required by this article, there shall be no limitation.

(5) This section shall not be construed to limit the City from recovering delinquent taxes by any other means provided by this article.

C. The Income Tax Officer may sue for recovery of an erroneous refund, provided such suit is begun two years after making such refund, except that the suit may be brought within five years if it appears that any part of the refund was induced by fraud or misrepresentation of material fact.

§ 549-1008. Interest on unpaid tax.

If for any reason the tax is not paid when due, interest at the rate of 6% per annum on the amount of such tax, and an additional penalty of 1/2 of 1% of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

§ 549-1009. Payment and refunds.

The Income Tax Officer is hereby authorized to accept payment of the amount of tax claimed by the City in any case where any person disputes the validity or amount of the City's claim for the tax. If it is thereafter judicially determined by a court of competent jurisdiction that there has been an overpayment to the Income Tax Officer, the amount of the overpayment shall be refunded to the person who paid.

§ 549-1010. Applicability.

A. The tax imposed by this article shall not apply:

(1) To any person as to whom it is beyond the legal power of the City to impose the tax herein provided for under the Constitution of the United States and the Constitution and Laws of the Commonwealth of Pennsylvania.

(2) To the net profits of any institution or organization operated for public, religious, educational or charitable purposes, to an institution or organization not organized or operated for private profit or to a trust or a foundation established for any such purposes.

B. This section shall not be construed to exempt any person who is an employer from the duty of collecting the tax at source from his employees and paying the amount collected to the City under the provisions of § 549-1004.

§ 549-1011. Effective term.

A. This article shall be in force and effect from January 1, 2013, to and including December 31, 2013, and thereafter, from year to year, between January 1, and December 31, inclusive, in each succeeding year until otherwise ordained by the City or revoked by an act of Assembly, now or hereafter in force and effect, of the Commonwealth of Pennsylvania.

B. Wherever in this article a date is designated referring to a particular year, such year shall be construed to refer to the initial year in which this article is effective, and thereafter shall be construed to mean each succeeding year in which this article remains in effect.

C. Dates used in this article relevant to the initial effective period shall be construed in succeeding years with reference to the corresponding next year.

§ 549-1012. Rules and regulations.

The Administrative Services Department shall issue rules and regulations for the implementation of this Part. Such rules and regulations shall be subject to approval by City Council.

§ 549-1013. Hearing Officer.

The Administrative Services Director is designated as the hearing officer to conduct hearings and decide all appeals filed.

§ 549-1014. Violations and penalties.

A. Any person who fails, neglects or refuses to make any declaration or return required by this Part, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the Income Tax Officer or any agent designated by him to examine his books, records and papers, and any person who knowingly makes an incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this Part shall, upon conviction thereof before any Magisterial District Judge or court of competent jurisdiction in Berks County, be sentenced to pay a fine of not more than $500 for each offense, and costs, and in default of payment of said fine and costs to be imprisoned for a period not exceeding 30 days.

B. Any person who divulges any information which is confidential under the provisions of this Part shall, upon conviction thereof before any Magisterial District Judge or court of competent jurisdiction, be sentenced to pay a fine of $600 for each offense, and costs, and in default of payment of such fines and costs shall be imprisoned for a period not exceeding 90 days.

C. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this Part.

D. The failure of any person to receive or procure forms required for making the declaration or returns required by this Part shall not excuse him from making such declaration or return.

Part 11
Home Rule Per Capita Tax
[Adopted 11-25-2013 By Ord. No. 67-2013]

§ 549-1101. Imposition of tax. [Amended 4-28-2014 by Ord. No. 43-2014]

Effective January 1, 2014, the City of Reading shall level a Home Rule Per Capita Tax of $20 per year on each person residing in the City of Reading. This tax shall be payable on July 1 of each year. This Home Rule Per Capita Tax shall be in addition to the Per Capita Tax previously authorized by the Local Tax Enabling Act renumbered (53 P.S. § 6924.101 et seq.).[36]

§ 549-1102. Discount, penalty and interest. [Amended 4-28-2014 by Ord. No. 43-2014]

If said tax is paid by the taxpayer during the first two months of the due date for said taxpayer, the taxpayer shall be allowed a discount of 2%. During the subsequent two months the flat rate shall apply. If payment is made after the fourth month of the due date, the taxpayer shall be charged a penalty of 10% plus interest at the rate of 1% per month computed from the beginning of the fifth month following the due date.

§ 549-1103. Exploration of alternatives.

The Administration is directed by this Council to explore alternatives to assure the broadest possible compliance herewith and report its recommendations to the Council prior to January 31, 2014.

§ 549-1104. Authority.

The City derives authority to levy this tax by virtue of its Home Rule Charter.

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36. Editor's Note: See Ch. 549, Part 6, Per Capita Tax.

Chapter 555

TREES

Part 1
Shade Trees

§ 555-101. Title; map.
§ 555-102. Purpose.
§ 555-103. Definitions.
§ 555-104. Administration.
§ 555-105. General regulations.
§ 555-106. Authority.
§ 555-107. Interpretation.
§ 555-108. Conflict with other laws.
§ 555-109. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 180, Part 14.

Streets and sidewalks — See Ch. 508.

STATE LAW REFERENCES

Regulation by City — See 53 P.S. § 37403(18).

Shade trees — See 53 P.S. § 38801 et seq.

Part 1
Shade Trees

[Adopted 9-12-1973 By Ord. No. 42-1973 (Ch. 25, Part 1, Of The 2001 Code Of Ordinances)]

§ 555-101. Title; map.

A. This Part shall be known and may be cited as the "Reading City Shade Tree Ordinance," hereinafter referred to by short title as the "Shade Tree Ordinance."

B. The Official Map on file in the Planning Division is hereby declared to be a part of this Part and shall be known, and may be cited, as the "Reading City Master Shade Tree Plan Map," hereinafter referred to by short title as the "Shade Tree Map." **[Amended 5-29-2001 by Ord. No. 14-2001]**

§ 555-102. Purpose.

The purposes of this Part are as follows and they shall be liberally construed to promote and advance the general welfare of the City:

A. To guide and regulate the orderly growth and development of vegetation on or near public areas in accordance with the Shade Tree Map and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people of the City.

B. To protect the character and the social and economic value of both private and public property.

C. To preserve and enhance the visual character and natural beauty of the City.

D. To restore, insofar as is possible, a healthy natural environment, including but not limited to photosynthesis, underground water stability, surface runoff stability, the reduction of noise, the filtration of pollutants, such as ozone, sulfur dioxide particulate matter, etc., and the propagation of animal life.

§ 555-103. Definitions.

A. Intent. For the purposes of this Part, all words used in the present tense include future tense and all words used in the future tense include present tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the sentence dictates otherwise. The word "shall" is mandatory and not directory. The word "located" includes "designed, intended or arranged to be located."

B. Specific words and phrases defined. As used in this part, the following terms shall have the meanings indicated:

CARTWAY — That portion of the right-of-way located between curblines.

CITY — The City of Reading.

COMMISSION — The Shade Tree Commission of the City of Reading.

COMMISSIONER — A member of the Shade Tree Commission.

COUNCIL — The governing body of the City of Reading.

CURBLINES — The lines in the right-of-way, constructed or proposed, which separate the portion of the public right-of-way dedicated to vehicular traffic from that portion dedicated to pedestrian traffic. The official City map on file in the office of the City Engineer shall be the final authority on the location of curblines should a dispute arise.[1]

PEDESTRIANWAY — That portion of the public right-of-way which exists between the curbline and the property line.

PERMIT, SHADE TREE — A certificate issued by Council or its designee for the planting, transplanting, cutting, trimming or removal of any tree governed by the provisions of this Part, or for the fastening of any sign, wire, rope or other materials to, around or through any tree, or for the deposition, placement, storage or maintenance of any stone, brick, sand, concrete or other material which might impede the free passage of water, air or fertilizer to the roots of any tree governed by the provisions of this Part. In this Part, when the word "permit" appears alone, the word shall be construed to mean "shade tree permit."

PERMIT, SIDEWALK — A certificate issued by Council or its designee for the construction, reconstruction, modification or removal of any sidewalk governed by the provisions of the Reading City Sidewalk Ordinance (Chapter 508, Part 5). Council may, at its option, allow a sidewalk modification under the shade tree permit, insofar as such sidewalk modification is necessary for the planting, transplanting, removal or protection of any tree governed by the provisions of this Part.

PERSON — Any individual, firm, association, company or corporation, public or private.

PROPERTY LINE — Any of the lines forming the front, rear and sides of lots as described in the recorded title.

PUBLIC AREA — Any public right-of-way, park or other publicly owned property.

PUBLIC RIGHT-OF-WAY — The total width of any land reserved or dedicated to the public use, including any street, but not including alleys or utility easements. Streets may be commonly known as boulevards, highway, places, terraces, avenues or other similar terms. The official topographic survey map of Reading, Pennsylvania, on file in the office of the Director of Public Works, shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

SHADE TREE — Any tree located in any public area, herein defined, or which at maturity would protrude into a public area, or to any tree located on property of special interest to the City by right of Chapter 600, Zoning, or any other ordinance.

SHADE TREE ADMINISTRATIVE OFFICER — The person or persons charged by Council with the enforcement of this Part.

STREET LINE — The street line is that line determining the limit of vehicular right, either existing or contemplated, in a public right-of-way. Specifically, the street line is that line separating the cartway from the pedestrianway. The street line may also be referred to as the "curbline."

§ 555-104. Administration. [Amended 2-18-1976 by Ord. No. 8-1976; 7-26-2010 by Ord. No. 35-2010]

1. **Editor's Note: The originally definition of "Director of Finance," which immediately followed this definition, was repealed 6-13-2011 by Ord. No. 26-2011.**

A. Enforcement. The provisions of this Part shall be administered and enforced by the Shade Tree Administrative Officer or officers of the City who shall be appointed by the Mayor subject to the approval of Council. It shall be the duty of the Shade Tree Administrative Officer or officers to cause any premises to be inspected or examined and to order in writing the remedying of any conditions found to exist in violation of any provisions of this Part and to issue permits in accordance with this Part.

B. Relief from personal responsibility.

(1) The Shade Tree Administrative Officer, or any employee charged with the enforcement of this Part, while acting for the City, shall not thereby render himself personally liable, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties shall be defended by the legal representative of the City.

(2) In no case shall the Shade Tree Administrative Officer be liable for costs in any action or suit or proceeding that may be instituted in pursuance of the provisions of this Part when he and/or his subordinates perform their duties in good faith and without malice.

C. Permits. In no case shall a shade tree permit be issued for planting, transplanting, cutting, trimming or removing any tree or for the fastening of any sign, wire, rope or other materials to, around, or through any shade tree where such activity would be in violation of any provision of this Part.

(1) When a permit is required. No person shall plant, transplant, cut, trim or remove any shade tree, nor shall they cause to be planted, transplanted, cut, trimmed or removed, any shade tree without first obtaining a permit to do so. Nor shall any person fasten, or cause to be fastened, any sign, wire, rope or other materials, to, around or through any shade tree without first obtaining a permit to do so. Nor shall any person deposit, place, store or maintain any stone, brick, sand, concrete or other material which may impede the free passage of water, air or fertilizer to the roots of any shade tree without first obtaining a permit to do so. Nor shall any person break, injure, mutilate, kill or in any other way harm any shade tree, nor move any building or other object on or over any public street or public right-of-way in such a manner as to damage or injure any shade tree without first obtaining a permit to do so.

(2) Conditions attached to permits. As a condition to any permit to remove any shade tree, the City may require that the applicant plant, at his own expense, another tree in place of the one removed. The Shade Tree Commission in such case shall direct the type, size and location of the tree to be planted and the time within which the work shall be done. As a condition to any permit to move any building or object on or over any public street or other public right-of-way, the City may require the applicant to furnish bond in an amount sufficient to cover any damage or injury to any shade tree caused by the applicant or his agent(s) and it may direct the route of any such moving so as to minimize damage or injury to shade trees.

(3) Who shall apply. The application for a shade tree permit shall be made by the owner or lessee, or the agent of either, of the real estate on which such tree is located or, if such tree is located on a public right-of-way, the application shall be made by the owner or lessee, or the agent of either, of the real estate nearest the tree. This provision

may be waived by the Commission when the work is done at the direction of, and carried out by a City agency in behalf of, the Commission.

(4) Revocation of permit. The Shade Tree Administrative Officer may revoke a permit or approval issued under the provisions of this Part in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

(5) Nullification of permit. Any permit issued in conflict with the provisions of this Part shall be null and void and may not be construed as waiving any provision of this Part.

(6) Form of permit application. The permit application shall be on a form prepared by the Commission.

(7) Fees. The fee for the shade tree permit, if any is deemed necessary, shall be set by ordinance of Council; see Chapter 212, Fees.[2]

D. Requirements for tree work contractors. **[Added 6-13-2011 by Ord. No. 26-2011]**

(1) Contractors shall have current insurance. Tree care companies are required to obtain public liability insurance in the amount of $500,000/$1,000,000; property damage insurance in the amount of $50,000/$100,000; and workers' compensation insurance. Each applicant shall submit to the City Solicitor proof that the applicant maintains insurance coverage as required by this section. Additionally, a representative of the City of Reading may request proof of insurance when the individual, or company, are working within the City boundaries.

(2) Tree care contractors shall adhere to ANSI A300 Standards of Practice for Tree Care Operations and ANSI Z133.1 Safety Standards of Practice for Arboricultural Operations, or the most current versions of standards pertaining to arboricultural and tree care operations.

(3) Any company or individual engaged in the act of applying pesticides shall be licensed in accordance with the Pennsylvania Pesticide Control Act of 1973, specifically, Sections 15.1, 16.1, 16.2, and 17.[3] Notification to the City of Reading's Public Works Department is required 24 hours prior to any street tree applications in addition to any notifications pertaining to the current Hypersensitivity List published annually by the Commonwealth of Pennsylvania Department of Agriculture.[4]

(4) Proper vehicle and pedestrian traffic control will be implemented by any company performing work in or near the public right-of-way. Traffic control shall be in accordance with U.S. Occupational Health and Safety (OSHA) Manual on Uniform Traffic Devices (MUTD) 1926, Subpart G. Companies are responsible for installing their own 'Temporary No Parking" signage as well as notifying the Reading Parking Authority and the Reading Police Department if a roadway is going to be partially or totally closed for any length of time. The contractor is also responsible for the safety of pedestrians walking near a work site by properly establishing a work safety zone.

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2. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

3. Editor's Note: See 3 P.S. §§ 111.35a, 111.36a, 111.36b and 111.37, respectively.

4. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

E. Records.

(1) It shall be the duty of the Shade Tree Administrative Officer to keep a record of all applications for shade tree permits and a record of all permits issued. He shall file and safely keep copies of all plans submitted and these shall form part of the records of his office.

(2) The Officer shall prepare a quarterly report for Council summarizing for the period since his last previous report all shade tree permits issued and all complaints of violation and the action taken by him consequent thereon.

(3) The Shade Tree Commission shall annually report in full to Council, at Council's first stated meeting in October, its transactions and expenses for the last fiscal year of the City.

F. Shade Tree Commission.

(1) Membership. The Shade Tree Commission is hereby created. Unless otherwise specified, the word "Commission," when used in this Part, shall be construed to mean the Shade Tree Commission of the City of Reading. The Commission shall be composed of five residents of the City appointed by resolution of Council upon the recommendation of the Mayor. A quorum shall be three members. One Commissioner shall serve for a term of three years, one for a term of four years and one for a term of five years on a Commission of only three residents. If the Commission consists of more than three members, the time sequence provided for a three-member commission shall be repeated. On the expiration of the term of any Commissioner, a successor shall be appointed to serve for a term of five years. The Commission shall notify Council promptly of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. **[Amended 6-13-2011 by Ord. No. 26-2011]**

(2) Organization. The Commission shall elect from its own membership a Chairman, Vice Chairman and secretary who shall serve annual terms and who may succeed themselves. For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the Commission as a whole. The Commission shall keep full public records of its business and shall submit a report of its activities to Council at least once a year.

(3) Removal of members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days' advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

(4) Expenditures for services. Within the limits of funds appropriated by Council, the Commission may employ or contract for secretaries, clerks, legal counsel, consultants and other technical assistance. Members shall serve without compensation except

that Council may reimburse Commission members for expenses incurred in the performance of their duties.

(5) Notification that work is to be performed. Whenever the Commission proposes to plant, transplant or remove shade trees, notice of the time and place of the meeting at which such work is to be considered shall be given in at least one newspaper of general circulation within the City once each week for two weeks immediately preceding the time of the meeting, as provided by law. Such notice shall specify in detail the street(s) or other public area(s) or portions thereof upon which trees are proposed to be so planted, transplanted or removed. Any property owners directly affected by such planting, transplanting or removal shall be notified by mail of such meeting at least one week prior to the meeting.

§ 555-105. General regulations. [Amended 7-26-1995 by Ord. No. 68-1995; 5-29-2001 by Ord. No. 14-2001]

A. Advice to Council. Council shall consider the advice of the Shade Tree Commission on all matters concerning the application of this Part; 30 days' time shall be allowed for the Commission to report to Council. The Commission shall carry out any duties and responsibilities conferred upon it by Council, including those herein conferred.

B. Commission authority. The Shade Tree Commission may plant, remove, maintain and protect such shade trees. The Commission may require the planting or replanting of any shade tree and may direct the size and species as well as the alignment and location of such trees except that the alignment and location of any shade tree shall not prevent necessary and reasonable conduct of business or use of the streets, sidewalks or abutting property. The Commission may designate suitable persons in the employ of the City to aid it in its functions.

C. Dead or hazardous trees. Should any shade tree die or in any other manner present a hazard to the public, it shall be declared a public nuisance by the Shade Tree Commission and the elimination of the hazard or the tree shall be effected pursuant to Subsection G. Notification to the Commission that a hazardous condition exists shall be the responsibility of the owner of the property upon which the hazard exists, except that if the hazardous condition exists on a public right-of-way, such notification shall be the responsibility of the owner of the property nearest such hazardous condition. Failure to so notify the Commission, in writing, shall subject the person charged with the responsibility for notifying the Commission to liability for any damages attributable to such hazard.

D. Responsibility for costs.

(1) The cost of furnishing, planting, transplanting or removing any shade tree(s) or the necessary suitable guards, curbing or grading for the protection thereof, and the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the property on which such tree(s) are located or, if located in a public right-of-way, by the owner of the property nearest such tree(s).

(2) Upon the filing of such certificate with Council, the City Clerk shall cause 30 days' written notice to be given by certified mail to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and

theorize and place of payment, and shall be accompanied by a copy of the certificate. The expense of such notice shall be borne by the City.

(3) The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with Council and, if not paid within the time stipulated, a claim may be filed and collected in the same manner as municipal claims are filed and collected.

E. Damage to shade trees. Should any shade tree be damaged by any person, the City may charge the person causing such damage for repairs to the tree and/or its devaluation. Should any shade tree be destroyed by any person, the City may charge the person causing such destruction for the appraised value of the tree plus the cost of its removal and replacement. The Shade Tree Administrator, or his designee, shall determine the appropriate value of the damaged or destroyed tree by utilizing local or national standards, such as those formulas developed by the Council of Tree and Landscape Appraisers. Should any shade tree be damaged or felled by storm or other natural occurrence, such tree shall be repaired or removed, including stump, by the owner of the property on which the tree stands or stood, or, if located on a public right-of-way, by the owner of the property nearest the point at which the tree stands or stood. Replacement of such tree shall be made at the discretion of the Shade Tree Commission and at the expense of the owner of the property on which the tree is located, or, if located on a public right-of-way, at the expense of the owner of the property nearest such tree. **[Amended 6-13-2011 by Ord. No. 26-2011]**

F. Shade trees as obstructions. The City may trim branches from any shade tree overhanging a public right-of-way so that such tree(s) shall not obstruct light from any streetlight or traffic light, signal or sign, and so that it shall not obstruct the free passage of pedestrian or vehicular traffic over the cartway. It shall be the responsibility of the property owner nearest the shade tree to ensure that such tree does not obstruct the free passage of persons on the pedestrianway.

G. Shade trees as public nuisances. Any shade tree that, in the opinion of the Shade Tree Commission, endangers the life, health, safety or property of the public, or which is afflicted with any contagious disease or insect infestation, shall be declared a public nuisance by the Commission, except that when such shade tree presents a clear and present danger to the life, health, safety or property of the public, such declaration may be made by Council, the Chief Building Inspector or the Parks Administrator. The owner of the property on which such tree is located or, if located on a public right-of-way, the owner of the property nearest the tree shall be notified in writing of the existence of the nuisance and be given reasonable time to effect abatement of such nuisance or removal of such tree at his own expense. If the owner does not effect such abatement or removal of the nuisance within the time specified in the notification, the City shall cause the nuisance to be corrected or removed and the cost thereof shall be assessed to the owner as provided by law.

H. Projects taking place in a particular block or neighborhood which encompasses more than 70% of the properties in the immediate area, the City may determine that an abandoned or otherwise unattended property exists. In this situation, the City may have the work done and a lien placed upon the property. **[Added 6-13-2011 by Ord. No. 26-2011[5]]**

I. Tree specifications.

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5. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(1) The Shade Tree Commission shall plant, or permit to be planted, only those tree species on the approved list on file with the Commission. No tree shall be planted less than 25 feet from a curb intersection of any street or alley or less than 15 feet from any fire hydrant. No tree shall be planted less than five feet from any sewer, water, gas, electric or other line or conduit, except as permitted by the City.

(2) The center of all newly planted trees shall be not less than 24 inches from the curbline. An area, open or with tiles, bricks or other materials which allows sufficient passage of air, water and fertilizer, shall be provided around the base of each shade tree; this area shall be not less than 15 square feet. The Commission may, whenever it deems necessary, waive the provisions of this section.

(3) Trees must be maintained to a height of 14 feet over the cartway and eight feet over the sidewalk. This is to ensure unobstructed traffic flow of vehicles and pedestrians. **[Added 6-13-2011 by Ord. No. 26-2011]**

J. Maintenance by City; tax levy.

(1) The City may prune any branch that is an obstruction in the cartway. It is the responsibility of the owner of the property nearest the tree to maintain and secure the tree pit, sidewalk and prune the rest of the tree, making certain no hazardous conditions exist.

(2) The needed amount for City pruning shall each year be certified by the Shade Tree Commission to Council in time for inclusion in the proposed budget ordinance, and the funds provided by Council shall be drawn against, as required by the Commission, in the same manner as money appropriated for City purposes. The Commission may accept and expend contributions to achieve the purposes of this Part.

(3) Council may levy a special tax, not to exceed the sum of 1/10 mill on the dollar of the assessed valuation of the property in the City, for the purpose of defraying the cost and expenses incurred by the Commission in the execution of its duties, or it may provide for such expenses by appropriations.

(4) It is the responsibility of the owner of the property nearest an empty shade tree pit to secure any empty tree pits to avoid possible trip hazards, replace the tree in accordance with this Part, and maintain the sidewalk around the tree pit according to the sidewalk standards established by the Department of Public Works. If permission has been granted by the City of Reading Shade Tree Commission, the pit may be properly capped or sealed at the property owner's expense and according to the City's sidewalk standards. **[Amended 6-13-2011 by Ord. No. 26-2011]**

§ 555-106. Authority.

This Part is enacted pursuant to the provisions of the Third Class City Code of the Commonwealth of Pennsylvania.[6]

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6. Editor's Note: See 53 P.S. § 35101 et seq.

§ 555-107. Interpretation.

All standards set forth in this Part are to be interpreted as minimum standards required. Nothing herein contained shall be construed to prohibit or prevent the use of higher standards.

§ 555-108. Conflict with other laws.

Should any provision set forth in this Part be found to conflict with any law of the United States or of the Commonwealth of Pennsylvania, such federal and/or state laws shall govern and this Part shall be construed accordingly. Such conflict shall not affect the validity of this Part.

§ 555-109. Violations and penalties. [Amended 8-24-1983 by Ord. No. 32-1983; 5-29-2001 by Ord. No. 14-2001]

A. Notice of violation. The Shade Tree Administrative Officer shall serve a notice of violation of the person in violation of this Part or of a plan approved thereunder or in violation of a permit or certificate issued under the provisions of this Part. Such notice shall direct the abatement of such violation.

B. Prosecution of violation. If the violation is not abated within the time specified in the notice of violation, the Officer may request the City Solicitor to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation.

C. Penalties.

(1) Penalties. Any person, firm or corporation who shall violate any provision of this Part or who shall fail to comply with any of the requirements thereof or who shall conduct activities in violation of a permit issued under the provisions of this Part, or who shall, without having applied for and received an approved permit, conduct activities for which a permit is required under the terms of this Part, who shall willfully, maliciously or negligently destroy or injure any shade trees shall be, upon conviction thereof, sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall be deemed a separate offense.

(2) Disposition of penalties or assessments. All penalties or assessments imposed under this Part shall be paid to the City Treasurer, to be placed to the credit of the Shade Tree Commission, subject to be drawn upon by the Commission for the purposes authorized in this Part.[7]

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7. **Editor's Note: Original § 25-110, Amendments, which immediately followed this section, was repealed 6-13-2011 by Ord. No. 26-2011.**

Chapter 564

VEHICLE NUISANCES, STORAGE OF

§ 564-101. Definitions.
§ 564-102. Motor vehicles nuisances prohibited.
§ 564-103. Emergency efforts.
§ 564-104. Storage of motor vehicle nuisances permitted.
§ 564-105. Parking trucks, trailers and mobile homes; permit fee; penalties.
§ 564-106. Inspection of premises; notice to comply.
§ 564-107. Authority to remedy noncompliance.
§ 564-108. Solid waste.
§ 564-109. Hearing.
§ 564-110. Violations and penalties.
§ 564-111. Remedies not mutually exclusive.
TRAA Vehicle Identification Guide
Bureau of Motor Vehicles Schedule of Fees

[HISTORY: Adopted by the City Council of the City of Reading 3-22-1999 by Ord. No. 7-1999[1] (Ch. 10, Part 5, of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 180, Parts 13 and 14.

Vehicles and traffic — See Ch. 576.

Streets and sidewalks — See Ch. 508.

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§ 564-101. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

COMMERCIAL VEHICLE — **[Added 4-27-2015 by Ord. No. 18-2015; amended 11-9-2015 by Ord. No. 60-2015]**

(1) Any TRAA Class 3 motor vehicle (attached) or trailer designed or used to transport passengers or property:

(a) If the vehicle has a gross vehicle weight rating of 10,000 or more pounds;

(b) If the vehicle is designed to transport 16 or more passengers, including the driver;

(c) If the vehicle is a school bus;

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1. **Editor's Note: Ord. No. 28-2010, adopted 6-28-2010, repealed this chapter to the extent inconsistent with or in direct contrast to the Property Maintenance Rules and Regulations, enacted and authorized by Ord. No. 28-2010 (Ch. 180, Part 13).**

(d) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with PennDOT regulations;

(e) If the vehicle is construction equipment and not involved in a project; or

(f) All dual-wheeled vehicles that are not exempt from this chapter.

(2) For purposes of this chapter, the phrase "commercial vehicle" shall include self-propelled vehicles, vehicles that are not self-propelled such as utility trailers and other types of trailers designed or used to store or haul equipment and materials and the combination of self-propelled vehicles and vehicles that are not self-propelled. (See attached TRAA diagrams.)

(3) The term does not include pickup trucks classified as 5 and lower by PennDOT (see attached schedule)[2] and vehicles that are an antique or classic motor vehicle, or an implement of husbandry.

MOTOR VEHICLE — Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways. **[Amended 4-27-2015 by Ord. No. 18-2015]**

NUISANCE — Any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of citizens of the City or causes a blighting effect in City neighborhoods.

PERSON — A natural person, firm, partnership, association, corporation or other legal entity.

B. In this chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§ 564-102. Motor vehicles nuisances prohibited.

It shall be unlawful for any person who owns a motor vehicle to maintain a motor vehicle nuisance upon the open public or private grounds of any person or property within the City. A motor vehicle nuisance shall be declared if any of the following physical defects exist:

A. Broken windshields, mirrors or other glass, with sharp edges.

B. Broken headlamps, tail lamps, bumpers or grills with sharp edges.

C. Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust.

D. Protruding sharp objects from the chassis.

E. Missing doors, windows, hood, trunks or other body parts that could permit animal harborage.

F. One or more open tires or tubes which could permit animal harborage.

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2. Editor's Note: The TRAA Vehicle Identification Guide is included as an attachment to this chapter.

G. Any vehicle suspended by blocks, jacks or other such materials in a location which may pose a danger to the public property owners visitors or residents of the property on which said vehicle is found.

H. Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.

I. Disassembled body or chassis parts stored in on or about the vehicle.

J. Vehicles that do not display a current valid license and registration.

K. Such other defects which the Fire Department determines to be a danger to the general public or property.

L. Motor vehicles parked, drifted or otherwise located which may interfere with flow of pedestrian or automobile traffic or impede emergency efforts.

§ 564-103. Emergency efforts.

It shall also be unlawful to park, store or house a motor vehicle nuisance in a location that may hamper emergency efforts to persons or property.

§ 564-104. Storage of motor vehicle nuisances permitted.

Any person who is the owner of a motor vehicle qualifying as a nuisance as defined in § 564-102 above may store said vehicle in the City only in strict compliance with the regulations provided herein.

A. The motor vehicle nuisance must be stored within a garage or other enclosed building.

B. Outdoors within an opaque fence six feet high that is locked at all times when unattended.

C. Outdoors in an area enclosed by a chain link fence six feet high, screened by shrubbery around the perimeter to the height of the fence with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended.

D. Liquid contents of the stored motor vehicle nuisance shall not be leaking.

E. Licensed businesses concerned with motor vehicle nuisances shall be exempt from the provisions of this chapter.

F. The motor vehicle nuisance must be stored on private property and covered securely with a tarpaulin or similar device.

G. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the Zoning Ordinance (Chapter 600) provisions of the City.

H. Storage of a motor vehicle in the aforementioned fashion shall be limited to one motor vehicle per registered owner and/or one motor vehicle per property in the City.

§ 564-105. Parking trucks, trailers and mobile homes; permit fee; penalties. [Added 2-12-2007 by Ord. No. 14-2007; amended 9-10-2007 by Ord. No. 68-2007; 1-28-2008 by

Ord. No. 10-2008; 8-24-2009 by Ord. No. 47-2009; 8-26-2013 by Ord. No. 35-2013; 4-27-2015 by Ord. No. 18-2015; 11-9-2015 by Ord. No. 60-2015]

A. It shall be unlawful for a person to park, or allow to remain parked for more than one hour any commercial vehicle with a gross vehicle weight rating (GVWR) of 10,000 pounds or more in plain view from the public right-of-way. Tow trucks designated medium or heavy duty, car carriers and low boy trailers are similarly prohibited. This restriction applies City-wide and includes without limitation school buses, construction equipment, trucks, trailers, or tractors, whether attached or unattached unless the vehicle is involved in the actual delivery, pick up of goods, supplies, or merchandise from any building, residence or business, or the vehicle is used to perform services for any permitted residential or commercial project in that block.

B. Recreational vehicles.

(1) It shall be unlawful for a person to park for more than 24 hours in plain view from the public right-of-way any attached or unattached motorized boat, trailer, camping trailer, or vehicle rated Department of Transportation Class 5 or greater in the following zoning districts:

(a) R-1A, R-1, R-2, R-3 - Residential Districts.

(b) Commercial Residential Districts - C-R.

(c) Commercial Neighborhood Districts - C-N.

(d) Residential Professional Office - R-PO.

(e) Preservation.

(2) Mobile homes and recreational vehicles designed or adapted for use as a mobile dwelling, including a vehicle equipped with a truck-camper, with a maximum length of 24 feet and a maximum weight that does not exceed 12,000 GVW may, however, park on private property, in accordance with § 600-1602A and B of Chapter 600, Zoning.

(3) Each household may apply to the Department of Police, Traffic Enforcement Office, for no more than two temporary recreational vehicle parking permits that will allow the recreational vehicle to be parked at the property for longer than 24 hours. Barring a special exception, the cost of the permit shall be set at $50, as per Chapter 212, § 212-145, be visibly displayed on the dashboard at all times the vehicle is not in use, and shall last for a period of time as determined by the Chief of Police, or his designee.

C. Enforcement. Prior to the issuance of the citation and fine, notification of this law and a warning of the penalties imposed upon violation shall be posted on the vehicle one time or a copy issued to the owner or tenant of the property in areas that are not posted with signage. Such warning shall be properly recorded in the Police Department, Traffic Enforcement Office, by the issuing enforcement official. If the vehicle is not removed within 48 hours, per Subsection E below, the citing officer may issue a citation or exercise discretion to tow the vehicle to alleviate a safety or hazard concern.

D. Exemptions. Pickup trucks classed as 4B and lower by PennDOT (see attached schedule)[3] and an antique or classic motor vehicle, or an implement of husbandry are exempted from this section.

E. Any person who shall violate any provision of this section shall be cited and fined $150. If the one-hundred-fifty dollar fine is not paid within 10 days, the fine shall be automatically increased to $250. At the discretion of the citing officer, the vehicle(s) located in the public right-of-way may be subject to tow after the second citation in any calendar year.

F. The Department of Police, Property Maintenance Division and Reading Parking Authority are hereby provided with enforcement authority on public and private property for this section.

§ 564-106. Inspection of premises; notice to comply. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

A. Any official of the Property Improvement Division, Fire Department or Police Department is hereby empowered to inspect public and private property on which motor vehicles are stored to determine if there is compliance with the provisions of this chapter. If noncompliance with the provisions of this chapter constitutes a nuisance or if any condition, structure, or improvements pose a threat to the health, safety or wealth of the public, a written notice shall be served by registered or certified mail upon the owner of the vehicle, or if the vehicle owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending vehicle and/or premises.

B. Said notice shall specify the condition of the vehicle nuisance and shall require the owner to commence to remove or otherwise rectify the condition as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within 30 days.

§ 564-107. Authority to remedy noncompliance. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007; 8-26-2013 by Ord. No. 35-2013]

If the owner of vehicle does not comply with the notice to abate the nuisance within the time limit prescribed, the City shall have the authority to take measures to abate the condition and collect the cost of such abatement plus an administrative fee in an amount set by ordinance, as provided in Chapter 212, Fees. The City and its agents, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

§ 564-108. Solid waste. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

It shall be against the provisions of this chapter to store solid waste in or on a motor vehicle or a motor vehicle or a motor vehicle nuisance within the City.

§ 564-109. Hearing. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

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3. Editor's Note: The TRAA Vehicle Identification Guide is included as an attachment to this chapter.

A. Any person aggrieved by the decision of any official of the Property Improvement Division, Fire Department or Police Department may request and shall then be granted a hearing before the Manager of the Property Improvement Division of the City, provided he files a written petition with the City within 10 days after receiving a notice to comply with the provisions of this chapter requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than 30 days after the date on which the petition was filed unless postponed for sufficient cause.

B. After such hearing, the Property Improvement Division Manager shall sustain, modify or overrule the decision of the official of the Property Improvement Division, Fire Department or Police Department.

§ 564-110. Violations and penalties. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007; 8-26-2013 by Ord. No. 35-2013]

Any person who shall violate any provision of this chapter, except § 564-105, shall, upon conviction thereof, be sentenced to pay a fine of not less than $300 nor more than $1,000 for the first two violations and not exceeding $5,000 for the third and successive offenses plus restitution and costs, or in default of payment, to imprisonment for a term not to exceed 30 days. One fine per month per violation shall be assessed except that in the case of continual and uncorrected violations that pose a threat to the public and violate the same subsection of an ordinance for the same property can be assessed at one citation per five calendar days.

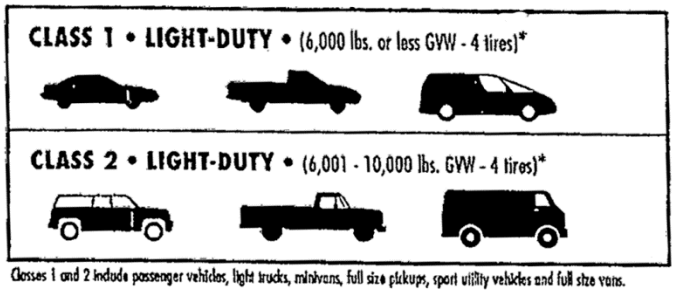
§ 564-111. Remedies not mutually exclusive. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

The remedies provided herein for the enforcement of this chapter, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the City.

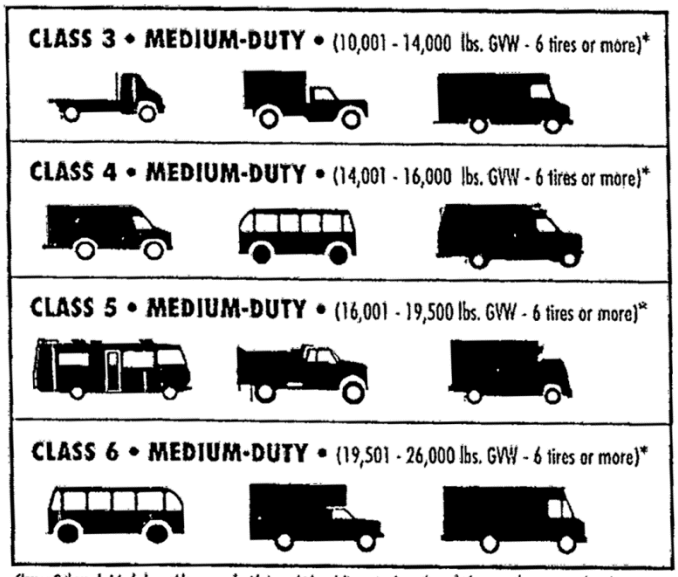
564 Attachment 1

City of Reading

TRAA VEHICLE IDENTIFICATION GUIDE
[Added 4-27-2015 by Ord. No. 18-2015]



Classes 1 and 2 include passenger vehicles, light trucks, minivans, full size pickups, sport utility vehicles and full size vans.



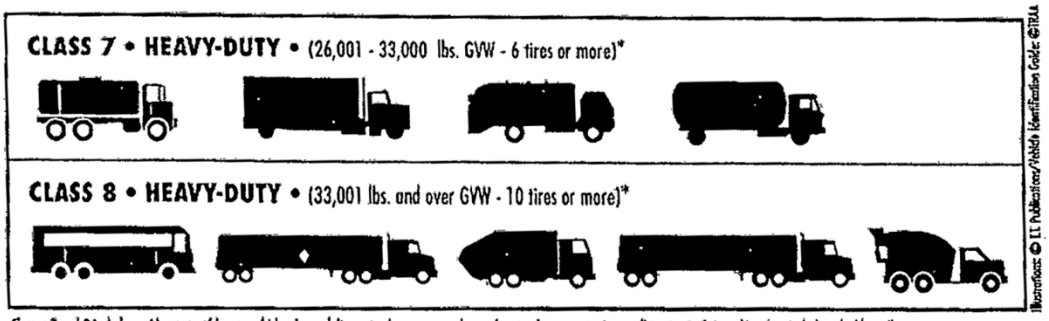
Classes 3 through 6 include a wide range of mid-size vehicles, delivery trucks, utility vehicles, motorhomes, parcel trucks, ambulances, small dump trucks, landscape trucks, flatbed and stake trucks, refrigerated and box trucks, small and medium school and transit busses.

Information Needed To Correctly Dispatch Towing and Recovery Units:

- Year, Make and Model of Vehicle to be Towed or Recovered
- DOT Classification (Class 1 – 8 based on GVW)
- Location of Vehicle
- Type of Tow (impound, accident, recovery motorist assist, etc.)
- Additional Vehicle Information
  - 2 wheel drive, 4 wheel drive, all wheel drive
  - damage to vehicle, tire condition
  - vehicle loaded or empty
  - cargo contents
  - does the vehicle have a trailer
  - are the keys with the vehicle

Note: Any vehicle may carry hazardous materials. Advise if placarded.

** **Note:*** The Gross Vehicle Weight Rating (GVWR) of the vehicle to be towed or recovered can be found on the identification label on the vehicle's driver's side doorframe. The number of pounds listed on the label can then be compared with the DOT Classification Vehicle Type Chart for the correct DOT class.



Classes 7 and 8 include a wide range of heavy vehicles, large delivery trucks, motor coaches, refuse trucks, cement mixers, all tractor trailer combinations including double trailers.

Illustrations © LT Publications/Vehicle Identification Guide ©TRAA

Law enforcement communications with towing and recovery operators describing an incident and the vehicles involved can insure quick and efficient clearing of these scenes and less disruption to traffic flow. In an effort to standardize communications, the towing industry is adopting the federal vehicle class standards as outlined herein.

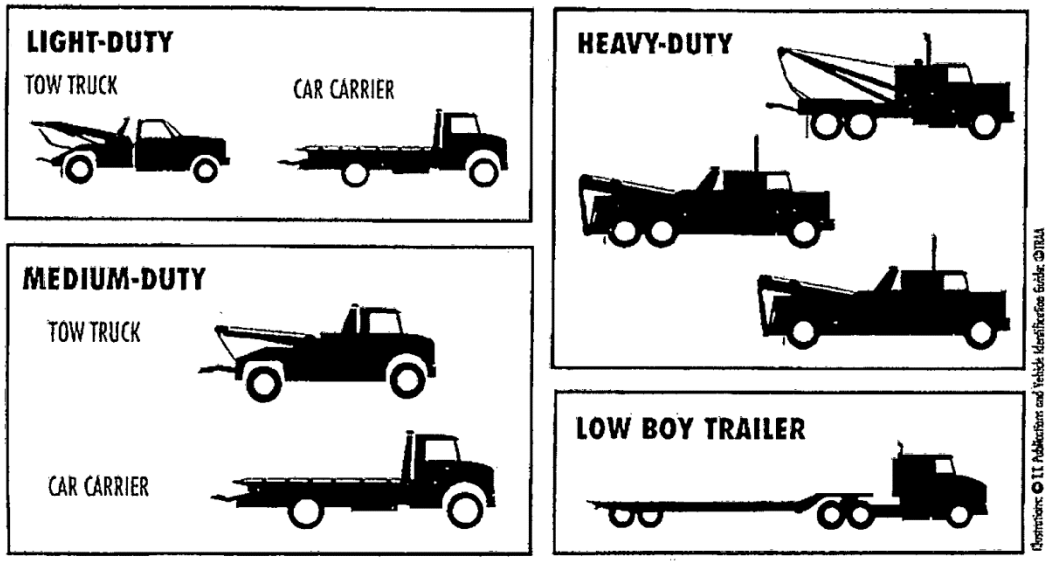
VIN CODES

The year of the vehicle is critical information for towing operators in order for them to reference correct towing procedures. The diagrams on the front are examples of classifications. The following information about vehicle identification numbers affixed to the chassis will help determine the vehicle's year. As noted, the vehicle's year, identified by a letter or number in the VIN sequence, is the eighth character from the right.

EXAMPLE 1995 VIN NUMBER: 1P8ZA1279SZ215470

1980.....A	1987.....H	1994.....R	2001.....1	2008.....8
1981.....B	1988.....J	1995.....S	2002.....2	2009.....9
1982.....C	1989.....K	1996.....T	2003.....3	2010.....A
1983.....D	1990.....L	1997.....V	2004.....4	2011.....B
1984.....E	1991.....M	1998.....W	2005.....5	2012.....C
1985.....F	1992.....N	1999.....X	2006.....6	
1986.....G	1993.....P	2000.....Y	2007.....7	

TOW TRUCK/CAR CARRIER CLASSIFICATION



564 Attachment 2

City of Reading

BUREAU OF MOTOR VEHICLES SCHEDULE OF FEES
[Added 11-9-2015 by Ord. No. 60-2015]

MV-70S (7-15)

pennsylvania
DEPARTMENT OF TRANSPORTATION

BUREAU OF MOTOR VEHICLES SCHEDULE OF FEES

REGULAR TRUCKS/TRUCK TRACTORS/FARM VEHICLES
(Classes 1 through 25)

		Regular Trucks/ Truck Tractors	Farm Truck/ Truck Tractors
Class	Registered Gross Weight in Lbs.	Registration Fee Annual/Month	Registration Fee Annual/Month
*1	5,000 or Less	60.00/5.00	110.00/9.17
*2	5,001 - 7,000	83.00/6.92	110.00/9.17
*3	7,001 - 9,000	158.00/13.17	110.00/9.17
4A	9,001 - 10,000	204.00/17.00	110.00/9.17
4B	10,001 - 11,000	204.00/17.00	110.00/9.17
5	11,001 - 14,000	283.00/23.58	110.00/9.17
6	14,001 - 17,000	336.00/28.00	112.00/9.33
7	17,001 - 21,000	414.00/34.50	138.00/11.50
8	21,001 - 26,000	472.00/39.33	157.33/13.11
9	26,001 - 30,000	550.00/45.83	183.33/15.28
10	30,001 - 33,000	661.00/55.08	220.33/18.36
11	33,001 - 36,000	723.00/60.25	241.00/20.08
12	36,001 - 40,000	765.00/63.75	255.00/21.25
13	40,001 - 44,000	813.00/67.75	271.00/22.58
14	44,001 - 48,000	875.00/72.92	291.67/24.31
15	48,001 - 52,000	965.00/80.42	321.67/26.81
16	52,001 - 56,000	1,028.00/85.67	342.67/28.56
17	56,001 - 60,000	1,164.00/97.00	388.00/32.33
18	60,001 - 64,000	1,295.00/107.92	431.67/35.97
19	64,001 - 68,000	1,358.00/113.17	452.67/37.72
20	68,001 - 73,280	1,457.00/121.42	485.67/40.47
21	73,281 - 76,000	1,861.00/155.08	620.33/51.69
22	76,001 - 78,000	1,903.00/158.58	634.33/52.86
23	78,001 - 78,500	1,924.00/160.33	641.33/53.44
24	78,501 - 79,000	1,945.00/162.08	648.33/54.03
25	79,001 - 80,000	1,966.00/163.83	655.33/54.61

MOTOR HOME

Gross Weight in Lbs.	Annual Fee	Fee Per Mo.
8,000 or less	65.00	5.42
8,001 to 11,000	90.00	7.50
11,001 or more	116.00	9.67

TRAILER AND SEMI-TRAILER

Registered Gross Weight in Lbs.	Annual Fee	Fee Per Mo.	Opt. 5 Year Fee	Optional Permanent
3,000 or less	6.00	0.50	30.00	N/A
3,001 to 10,000	12.00	1.00	60.00	N/A
10,001 or more	35.00	2.92	N/A	165.00

Trailers 10,000 lbs or less may be registered for periods of one year or five years.

BUS/LIMOUSINE

Seating Capacity	Annual Fee	Fee Per Month	Seating Capacity	Annual Fee	Fee Per Month
6	66.00	5.50	30	341.00	28.42
7	77.00	6.42	31	355.00	29.58
8	88.00	7.33	32	369.00	30.75
9	99.00	8.25	33	383.00	31.92
10	110.00	9.17	34	397.00	33.08
11	121.00	10.08	35	411.00	34.25
12	132.00	11.00	36	425.00	35.42
13	143.00	11.92	37	439.00	36.58
14	154.00	12.83	38	453.00	37.75
15	165.00	13.75	39	467.00	38.92
16	176.00	14.67	40	481.00	40.08
17	187.00	15.58	41	495.00	41.25
18	198.00	16.50	42	509.00	42.42
19	209.00	17.42	43	523.00	43.58
20	220.00	18.33	44	537.00	44.75
21	231.00	19.25	45	551.00	45.92
22	242.00	20.17	46	565.00	47.08
23	253.00	21.08	47	579.00	48.25
24	264.00	22.00	48	593.00	49.42
25	275.00	22.92	49	607.00	50.58
26	286.00	23.83	50	621.00	51.75
27	299.00	24.92	51	635.00	52.92
28	313.00	26.08	52 or More	660.00	55.00
29	327.00	27.25			

OTHER

Class	Annual Fee	Fee Per Mo.
Antique, Classic or Collectible Registration (Permanent Fee)	75.00	N/A
* Passenger	36.00	3.00
Motorcycle	18.00	1.50
Motor-Driven Cycle	9.00	0.75
Motorized Pedalcycle	9.00	0.75
Ambulances and Hearses	77.00	6.42
Taxi (8 Passengers or Less excluding the driver)	77.00	6.42
School Bus/School Vehicle	30.00	2.50
Implements of Husbandry	26.00	2.17
Special Mobile Equipment	52.00	4.33

* Qualifies for the reduced Retired Status fee of $10 for vehicles with a registered gross weight not exceeding 9,000 lbs. Registered owner's total income may not exceed $19,200 per year. (Form MV-371 or MV-140 is required.)

Chapter 570

VEHICLE REPAIR SHOPS

§ 570-101. Definitions.
§ 570-102. Report of damaged motor vehicles required.
§ 570-103. State reports required.
§ 570-104. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Reading 9-13-1967 by Ord. No. 28-1967 (Ch. 13, Part 10, of the 2001 Code of Ordinances). Amendments noted where applicable.]

STATE LAW REFERENCES

Accidents and accident reporting — See 75 Pa.C.S.A. § 3747 et seq.

Vehicle Code — See 75 Pa.C.S.A. § 101 et seq.

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§ 570-101. Definitions.

Words and phrases, when used in this chapter, shall have the meanings ascribed to them in the Vehicle Code of Pennsylvania, except in those instances where the context clearly indicates a different meaning. The singular shall include the plural and the masculine shall include the feminine.

§ 570-102. Report of damaged motor vehicles required. [Amended 5-29-2001 by Ord. No. 14-2001[1]]

The person in charge of any motor vehicle service station, garage or repair shop, including a motor vehicle garage or repair shop operated in connection with a motor vehicle parts and accessories store in the City to which is brought any motor vehicle which shows evidence of having been involved in an accident, externally damaged or struck by a bullet, shall make a report of such damage to the Police Department, orally or in writing or upon demand. The report shall be retained by the vehicle repair shop for a minimum of one year. The report shall include the registration number of the vehicle and, if known, the name and address of the owner and/or operation of such vehicle as well as photographs of the damage to the vehicle.[2]

§ 570-103. State reports required.

Nothing herein contained shall exempt any operator of any motor vehicle involved in an accident or any person in charge of any garage or repair shop from the making of any report as required by the Vehicle Code of Pennsylvania.

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1. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**
2. **Editor's Note: Original § 13-1003, Repairs prohibited prior to damage release sticker, and § 13-1004, Damage release sticker, as amended 5-29-2001 by Ord. No. 14-2001, which immediately followed this section, were repealed during codification (see Ch. 1, General Provisions, Part 2).**

§ 570-104. Violations and penalties. [Amended 5-29-2001 by Ord. No. 14-2001]

Whoever violates any provision of this chapter shall be, upon conviction thereof, be sentenced to a fine of not less than $10 nor more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

Chapter 576

VEHICLES AND TRAFFIC

Part 1
General Provisions

A
General Regulations

§ 576-101. Definitions and interpretations.
§ 576-102. Manner of adopting permanent traffic and parking regulations.
§ 576-103. Continuation of existing regulations.
§ 576-104. Temporary and emergency regulations.
§ 576-105. Experimental regulations.
§ 576-106. Restrictions during construction, maintenance or special events.
§ 576-107. Use of streets by processions and assemblages.
§ 576-108. Authority of police officers.
§ 576-109. Authorization for use of speed timing devices.

Part 2
Traffic

A
Regulations

§ 576-201. Maximum speed limits established on certain streets.
§ 576-202. Maximum speed limits established on certain bridges and elevated structures.
§ 576-203. Maximum speed limits established for certain vehicles on hazardous grades.
§ 576-204. Maximum speed limits established in parks.
§ 576-205. Traffic signals at certain locations.
§ 576-206. Intersections where turn prohibited on red signal.
§ 576-207. One-way roadways established.
§ 576-208. Turning at certain intersections prohibited or restricted.
§ 576-209. Right turns only permitted at certain intersections.
§ 576-210. U-turns prohibited at certain locations.
§ 576-211. No-passing zones established.
§ 576-212. Through highways established.
§ 576-213. Stop intersections established.
§ 576-214. Yield intersections established.
§ 576-215. Operation of motor vehicles restricted on public lands.
§ 576-216. Rotary traffic islands established.
§ 576-217. Play highways established and authorized.
§ 576-218. Snowmobile roads designated.
§ 576-219. Two-way traffic pattern established.

Part 3
Size, Weight and Type of Vehicle and Load

A
Restrictions

§ 576-301. **Vehicle weight limits established on certain streets and bridges.**

§ 576-302. **Restrictions on size of vehicles on certain streets and bridges.**

§ 576-303. **Restrictions as to weight and size of vehicles on certain streets and bridges.**

§ 576-304. **Truck traffic restricted on certain streets.**

Part 4
Stopping and Parking

A
Regulations

§ 576-401. **Parking in prohibited areas.**

§ 576-402. **Parking limited in designated areas.**

§ 576-403. **Parking prohibited in specific areas.**

§ 576-404. **Blocking garage entrance.**

§ 576-405. **Greasing or repair work.**

§ 576-406. **(Reserved)**

§ 576-407. **Storage of vehicles on streets.**

§ 576-408. **Parking of inoperable or illegally registered vehicles.**

§ 576-409. **Parking prohibited on private property.**

§ 576-410. **Parking prohibited at handicapped areas.**

§ 576-411. **Parking, stopping, standing or drifting prohibited in a loading zone or timed zone.**

§ 576-412. **(Reserved)**

§ 576-413. **(Reserved)**

§ 576-414. **Nonpayment of daily parking fee notice.**

§ 576-415. **Parking violations subject to immediate towing.**

§ 576-416. **Notice of violation; waiver.** * Updated - Ordinance No. 63-2016

§ 576-417. **Residential permit parking.** * Updated - Ordinance No. 62-2016

§ 576-418. **Hazardous vehicles.**

§ 576-419. **Daily parking permits.**

§ 576-420. **Parking against traffic flow.**

Part 5
Parking Meters or Kiosks

A
Regulations * Updated - Ordinance No. 31-2016

§ 576-501. **Definitions.**

§ 576-502. **Parking zones established; traffic control maps.**

§ 576-503. **Saturdays, Sundays and holidays excepted.**

§ 576-504. **(Reserved)**

§ 576-505. **Marking of spaces.**

§ 576-506. **Meter signals and kiosk receipts.**

§ 576-507. **Manner of parking.**

§ 576-508. **Deposit of proper payments in parking zone.**

§ 576-509. **No parking beyond indicated time.**

§ 576-510. **Use of parking meter or kiosk funds.**

§ 576-511. **Slugs prohibited.**

§ 576-512. **Injuring or defacing meters.**

§ 576-513. **Exceptions.**

§ 576-514. **Enforcement.**

§ 576-515. **Duty of police and authorized agents.**

§ 576-516. **Verification of parking meters or kiosks.**

§ 576-517. **Notice of violation; violations and penalties; waiver.**

Part 6
Daytime Parking Restrictions

A
Short-Term Daytime Parking Restrictions

§ 576-601. Findings and purpose.
§ 576-602. Daytime parking restrictions.
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A
Parades, Special Events, and Public Gatherings

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A
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§ 576-1301. Operation of motorized devices is restricted.
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[HISTORY: Adopted by the City Council of the City of Reading 5-29-2001 by Ord. No. 14-2001 (Ch. 15 of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Animal control — See Ch. 141, Part 2.

Noise — See Ch. 387.

Streets and sidewalks — See Ch. 508.

Storage of vehicle nuisances — See Ch. 564.

Vehicle repair shops — See Ch. 570.

STATE LAW REFERENCES

Delegation of powers authorized — See Vehicle Code, 75 Pa.C.S.A. § 6109(f).

Prohibited parking areas — See Vehicle Code, 75 Pa.C.S.A. § 3353 et seq.

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.

Removal of vehicle by or at discretion of police — See Vehicle Code, 75 Pa.C.S.A. § 3352.

Authorization of salvers — See Vehicle Code, 75 Pa.C.S.A. § 7301.

Part 1
General Provisions

A
General Regulations

§ 576-101. Definitions and interpretations.

A. Words and phrases, when used in this chapter, except for sections or parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code, 75 Pa.C.S.A. § 101 et seq., except that in this chapter, the word "street" may be used interchangeably with the word "highway," and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

B. The term "legal holidays" as used in this chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

C. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

D. Although the streets in the City run generally in a northeast-southwest and a northwest-southeast direction, for the purpose of this chapter, Fifth Street and the streets running parallel or generally parallel to Fifth Street shall be deemed to run in a north-south direction, and Penn Street and the streets parallel or generally parallel to Penn Street shall be deemed to run in an east-west direction.

§ 576-102. Manner of adopting permanent traffic and parking regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances or as amendments to this chapter, except where the law specifically authorizes less formal action.

§ 576-103. Continuation of existing regulations.

The provisions of this chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

§ 576-104. Temporary and emergency regulations.

A. The Chief of Police or his designee shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

(1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.

(2) In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.

B. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulation, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than $25 together with costs of prosecution.

§ 576-105. Experimental regulations.

The City Council may, from time to time by resolution, designate places upon and along the highways in the City where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this chapter. No person shall operate and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than $25 together with costs of prosecution; provided, the purpose of this section is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the City relative to traffic and parking.

§ 576-106. Restrictions during construction, maintenance or special events.

A. The City Council shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion while construction or maintenance work is underway or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

B. The City Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is underway and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.

C. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-107. Use of streets by processions and assemblages.

A. For the purpose of this section, the words "assemblage" and "procession" shall have the following meanings:

ASSEMBLAGE — A gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

PROCESSION — A group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

B. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the Chief of Police or his designee, which shall be issued without fee. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.

C. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the Chief of Police or his designee, which shall be issued without fee. Application for the permit shall be made at least two weeks in advance of the day when the procession is proposed to be held, but in any case where the state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.

D. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-108. Authority of police officers.

The police officers of the City are hereby authorized to direct traffic on the highways of the City and at intersections thereof and to otherwise enforce the provisions of this chapter.

§ 576-109. Authorization for use of speed timing devices.

A. The Police Department is hereby authorized to use all speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with 75 Pa.C.S.A. § 3368.

B. This section authorizes the use of said devices upon all highways within the City be they City, county or state highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa.C.S.A. § 6101 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

Part 2
Traffic

A
Regulations

§ 576-201. Maximum speed limits established on certain streets. [Amended 7-26-2010 by Ord. No. 46-2010]

A. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle on any part of a street where a maximum speed limit applies at a higher speed than the maximum prescribed for that part of the street:

Street	Between	Maximum Speed Limit (mph)
Schuylkill Avenue	Entire length	25

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of $2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 576-202. Maximum speed limits established on certain bridges and elevated structures.

A. Maximum speed limits are established, as follows, on certain bridges and elevated structures, and it shall be unlawful for any person to drive a vehicle on any such bridge or elevated structure at a higher speed than the maximum prescribed for that bridge or elevated structure:

Bridge or Elevated Structure	Location	Maximum Speed Limit
	(Reserved)	

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of $2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 576-203. Maximum speed limits established for certain vehicles on hazardous grades.

A. The following are declared to be hazardous grades and, upon any such hazardous grade, no person shall drive a vehicle having a gross weight in excess of that referred to for that grade, in the direction stated for that grade, at a speed in excess of that established in this section for that grade and, if so stated for a particular grade, the driver of every such vehicle shall stop the vehicle before proceeding downhill:

Street	Between	Direction of Travel	Maximum Gross Weight	Maximum Speed Limit	Required to Stop Before Proceeding Downhill
			(Reserved)		

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of $2 for each mile in excess of five miles per hour over the maximum speed limit.

§ 576-204. Maximum speed limits established in parks.

A. A speed limit of 15 miles per hour is established on all streets and roadways in the public parks maintained and operated by the City, except in the following locations, where the lower maximums, as specified, shall apply:

Park	Street	Location	Maximum Speed Limit
		(Reserved)	

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $35 and costs. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of $2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 576-205. Traffic signals at certain locations.

A. At the following locations, traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

Location	Type of Signal
(Reserved)	

B. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-206. Intersections where turn prohibited on red signal.

A. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

Intersection	Vehicles Traveling On	Facing
	(Reserved)	

B. Any driver of a vehicle who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-207. One-way roadways established. [Amended 10-23-2006 by Ord. No. 67-2006; 6-25-2007 by Ord. No. 52-2007; 6-25-2007 by Ord. No. 53-2007; 1-14-2008 by Ord. No. 1-2008; 7-26-2010 by Ord. No. 45-2010]

A. The following are established as one-way roadways, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

Street	From	To	Direction of Travel
East Wyomissing Boulevard	Lancaster Avenue	Brookline Street	Northbound
Klein Avenue **[Added 2-14-2011 by Ord. No. 5-2011]**	Seventeenth Street	Eighteenth Street	Eastbound
South Fourteenth Street	Perkiomen Avenue	Muhlenberg Street	Southbound

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-208. Turning at certain intersections prohibited or restricted.

A. It shall be unlawful for the driver of any vehicle of the type indicated traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when such a turn is prohibited by this section:

Vehicles Traveling On	Direction of Travel	Not to Make Turn	Into	When	Type of Vehicle Applicable To
		(Reserved)			

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-209. Right turns only permitted at certain intersections.

A. It shall be unlawful for the driver of any vehicle traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make other than a right turn, at any time stated, both left turns and straight-across traffic being prohibited:

Vehicles Traveling On	Direction of Travel	Times	Not To Make Left Turn Into or Travel Straight Across
		(Reserved)	

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-210. U-turns prohibited at certain locations.

A. It shall be unlawful for the driver of any vehicle traveling upon any of the following portions of streets, in the direction or directions indicated for that street, to make a U-turn:

Street	Portion	Direction of Travel
	Reserved	

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-211. No-passing zones established.

A. The following are established as no-passing zones, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no passing zone:

Street	Direction of Travel	Between
	(Reserved)	

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-212. Through highways established.

A. The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this section shall stop the vehicle or yield right-of-way as required by § 3323(b) or (c) of the Vehicle Code, 75 Pa.C.S.A. § 3323(b) or (c), as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that section of the law:

Highway	Between
	(Reserved)

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-213. Stop intersections established. [Amended 7-26-2010 by Ord. No. 33-2010]

A. The following intersections (in addition to intersections with the through highways established by § 576-212) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or stop street, in the direction indicated in each case, shall stop the vehicle as required by § 3323(b) of the Vehicle Code, 75 Pa.C.S.A. § 3323(b), and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that section of the law.

Stop Street	Intersecting or Through Street	Direction of Travel
Crestmont Street **[Added 7-28-2014 by Ord. No. 50-2014]**	Fern Avenue	Four-way
Greenwich Street **[Added 7-28-2014 by Ord. No. 51-2014]**	North Second Street	Four-way
McKnight Street **[Added 7-28-2014 by Ord. No. 105-2014]**	West Windsor Street	Four-way
North Fourth Street **[Added 1-23-2012 by Ord. No. 4-2012]**	Oley Street	Four-way
North Thirteenth Street	Greenwich Street	Four-way
North Thirteenth Street **[Added 4-11-2011 by Ord. No. 18-2011]**	Elm Street	Four-way
North Thirteenth Street **[Added 6-27-2011 by Ord. No. 31-2011]**	Richmond Street	Four-way
North Twelfth Street **[Added 9-10-2012 by Ord. No. 89-2012]**	Walnut Street	Three-way
St. Bernardine Street **[Added 3-12-2012 by Ord. No. 25-2012]**	Greenway Terrace	Four-way
West Green Street **[Added 7-28-2014 by Ord. No. 52-2014]**	McKnight Street	Three-way
West Green Street **[Added 7-28-2014 by Ord. No. 53-2014]**	Weiser Street	Three-way
West Greenwich Street **[Added 12-22-2014 by Ord. No. 106-2014]**	Tulpehocken Street	Four-way

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-214. Yield intersections established.

A. The following intersections (in addition to intersections with the through highways established by § 576-212) are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by § 3323(c) of the Vehicle Code, 75 Pa.C.S.A. § 3323(c), and then yield the right-of-way as required by that subsection of the Vehicle Code.

Yield Street	Through Street	Direction of Travel

(Reserved)

B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-215. Operation of motor vehicles restricted on public lands.

A. No motor vehicle including a motorcycle, pedalcycle or minibike shall be operated on any property owned by the City or any other public agency or instrumentality within the City without the permission of the property owner and a permit from the Chief of Police or his designee of the City.

B. Any person who violates an provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-216. Rotary traffic islands established.

A. The following locations are designated as rotary traffic islands, and every vehicle passing around a rotary traffic island shall be driven only to the right of the island:

Location

(Reserved)

B. Any person who drives a vehicle otherwise than to the right of any rotary traffic island shall be guilty of a violation of this section and, upon conviction, shall be sentenced to pay a fine of $25 and costs.

§ 576-217. Play highways established and authorized.

A. The following areas upon the streets in the City are established as play highways:

Street	Between	Days	Hours
		(Reserved)	

B. The Chief of Police or his designee is authorized to designate as play highways, whenever he deems that action advisable and for whatever period of time directed by him, any part of any street in the City where sledding and coasting shall be permitted. That play highway shall be set apart for the purpose under the direction of the Chief of Police or his designee.

C. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency, with special permission of the Chief of Police or his designee or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this subsection shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 576-218. Snowmobile roads designated.

A. The following roads and streets within the City are designated as special snowmobile roads:

Street or Road	Between	Used by Snowmobiles Only When Closed to Vehicular Traffic?	Shared With Vehicular Traffic?

(Reserved)

B. It shall be unlawful for any person to operate a snowmobile on any highway, street or road in the City other than as provided above. Provided, nothing in this section shall prohibit any person from operating a snowmobile on any other street in the City:

(1) As authorized by § 7721 of the Vehicle Code, 75 Pa.C.S.A. § 7721, for emergency and bridge crossings and for direct crossing of streets or two-lane highways.

(2) For special snowmobile events where authorized in advance and the street is blocked off as provided in § 7723 of the Vehicle Code, 75 Pa.C.S.A. § 7723. Any person who violates any provision of this section shall be subject to the penalties prescribed in § 7752(a) of the Vehicle Code, 75 Pa.C.S.A. § 7752(a).

§ 576-219. Two-way traffic pattern established. [Added 5-27-2003 by Ord. No. 20-2003]

A. Two-way traffic pattern established for Schuylkill Avenue between the intersection of West Green Street and West Greenwich Street.

(1) All motor vehicle traffic on Schuylkill Avenue between the intersection of West Green Street and West Greenwich Street shall be limited and restricted to two-way traffic, which two-way traffic shall allow for motor vehicles traveling in a northerly and southerly direction on Schuykill Avenue between the intersection of West Green Street and West Greenwich Street.

B. Division Street between Buttonwood Street and Schiller Street is hereby changed to two-way traffic from one-way southbound. **[Added 1-23-2012 by Ord. No. 5-2012]**

C. Two-way traffic on North Twelfth Street between Walnut Street and Elm Street is established. **[Added 9-10-2012 by Ord. No. 90-9012]**

D. Two-way traffic on Walnut Street between North Twelfth Street and (vacated) Birch Street is established. **[Added 9-10-2012 by Ord. No. 91-9012]**

Part 3
Size, Weight And Type Of Vehicle And Load

A
Restrictions

§ 576-301. Vehicle weight limits established on certain streets and bridges.

A. On the following bridges and streets or parts of streets, by authority granted by § 4902(a) of the Vehicle Code, 75 Pa.C.S.A. § 4902(a), it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Between	Maximum Gross Weight
	(Reserved)	

B. Any person who violates any provision of this section shall be prosecuted under § 4902(a) and (g)(1) of the Vehicle Code, 75 Pa.C.S.A. § 4902(a) and (g)(1) and, upon conviction, shall be sentenced to pay a fine of $150 plus $150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

§ 576-302. Restrictions on size of vehicles on certain streets and bridges.

A. On the following bridges and streets or parts of streets, by authority granted by § 4902(a) of the Vehicle Code, 75 Pa.C.S.A. § 4902(a), it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions
	(Reserved)	

B. Any person who violates any provision of this section shall be prosecuted under § 4902(a) and (g)(1) of the Vehicle Code, 75 Pa.C.S.A. § 4902(a) and (g)(1), and, upon conviction, shall be sentenced to pay a fine of $75 and costs.

§ 576-303. Restrictions as to weight and size of vehicles on certain streets and bridges.

A. By reason of hazardous traffic conditions and other safety factors, by authority granted by § 4902(b) of the Vehicle Code, 75 Pa.C.S.A. § 4902(b), it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions
	(Reserved)	

B. Any person who violates any provision of this section shall be prosecuted under § 4902(b) and (g)(2) of the Vehicle Code, 75 Pa.C.S.A. § 4902(b) and (g)(2), and, upon conviction, shall be sentenced to pay a fine of not more than $500 and costs.[1]

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1. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

§ 576-304. Truck traffic restricted on certain streets. [Amended 3-27-2006 by Ord. No. 29-2006]

A. It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

Street	Between
(Reserved)	

B. Provided, nothing in this section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

C. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

Part 4
Stopping And Parking

A
Regulations

§ 576-401. Parking in prohibited areas.

When signs are erected lawfully giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets designated and posted as prohibited parking areas, or by temporary regulations in conformity with this chapter.

§ 576-402. Parking limited in designated areas.

When signs are erected lawfully giving notice thereof, no person shall park vehicle longer than the time permitted upon any streets or parts of streets designated and posted as limited parking areas, or by temporary regulations in conformity with this chapter.

§ 576-403. Parking prohibited in specific areas. [Amended 1-14-2008 by Ord. No. 1-2008; 8-23-2010 by Ord. No. 61-2010]

Except when necessary to avoid conflict with other traffic or to protect the safety of any person or in compliance with law or the direction of a police officer or other traffic control device, no person shall:

A. Stop, stand or park a vehicle:

(1) In a lane of traffic.

(2) On a sidewalk.

(3) Within an intersection.

(4) On a crosswalk.

(5) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic control devices.

(6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(8) On any railroad tracks.

(9) In the area between roadways of a divided highway, including crossovers.

(10) At any place where official signs prohibit stopping.

(11) All nonemergency vehicles along East Wyomissing Boulevard between/from Lancaster Avenue and/to Brookline Avenue.

B. Stand or park a vehicle:

(1) In front of a public driveway or in front of a private driveway upon complaint received.

(2) Within 15 feet of a fire hydrant.

(3) Within 20 feet of a crosswalk.

(4) Within 30 feet of upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.

(5) Within 20 feet of the driveway entrance to any fire station or when properly sign posted, on the opposite side of a street opposite the entrance to any fire station within 75 feet of the entrance.

(6) Where the vehicle would prevent the free movement of a streetcar, municipal bus or other means of public transportation.

(7) On limited-access highways unless authorized by official traffic control devices.

(8) At any place where official signs prohibit standing.

(9) At a yellow curb.

C. Park a vehicle:

(1) Within 50 feet of the nearest rail or railroad crossing.

(2) At any place where official signs prohibited parking.

(3) In an alley less than 18 feet wide.

§ 576-404. Blocking garage entrance.

No person other than the owner or occupant of the garage shall park a vehicle at any time in front of, opposite to or in such a position as to block entrance to or exit by a vehicle from a garage, unless parking in front of the owners garage by the owner/occupant limits access to other garages.

§ 576-405. Greasing or repair work.

No vehicle shall stand on any street or sidewalk for the purpose of greasing or repair except in case of emergency repairs.

§ 576-406. (Reserved)[2]

2. **Editor's Note: Original § 15-406 was repealed 11-14-2005 by Ord. No. 75-2005.**

§ 576-407. Storage of vehicles on streets. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007[3]]

No vehicle shall be stored upon any street. As used herein, "stored" shall mean the parking of a vehicle in one place upon any street continuously for over 72 hours, excluding tractor trailers, for which the parking time restriction shall be 48 hours.

§ 576-408. Parking of inoperable or illegally registered vehicles. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

A. No person shall park or leave on the streets, highways or public property of the City any vehicle without current valid registration plates.

B. No person shall park or leave on the streets, highways or public property of the City any vehicle without a current inspection sticker unless the vehicle is legally parked in front of, or in close proximity to, an official state inspection station which identifies said vehicle by work order specifying a state inspection will be performed within 24 hours. Additional work orders beyond the initial twenty-four-hour period are prohibited.

C. No person shall park or leave on the streets, highways or public property of the City any vehicle deemed mechanically inoperable.

§ 576-409. Parking prohibited on private property. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

A. No person shall park or leave unattended a vehicle on private property without consent of the owner or the other person in control or possession of the property, except in case of emergency or disablement of the vehicle, in which case the operator, within 24 hours, must show proof of the emergency or disablement and removal of the vehicle from the private property.

B. The provisions of this section shall not apply to private parking lots unless such lots are posted to notify the public of any parking restrictions and the operator of the vehicles violates such posted restrictions. For the purpose of this section, a "private parking lot," means a parking lot open to the public or used for parking without charge; or a parking lot used for parking with a charge. The City hereby adopts the regulations promulgated by the Pennsylvania Department of Transportation which defines posting for public notice pursuant to 75 Pa.C.S.A. § 3353(b) and any amended or successor statute(s).

§ 576-410. Parking prohibited at handicapped areas. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

A. No person shall park or leave unattended a vehicle at any place specifically reserved for handicapped parking, unless the parked vehicle has a state-issued plate or placard (displayed conspicuous manner) for a handicapped person or severely disabled veteran and is being used in the immediate service of a handicapped person or severely disabled veteran.

B. For the purpose of this section, a reserved handicapped parking place must be indicated by a PennDOT approved sign with universally accepted handicapped symbols. Each sign must

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3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

indicate that the state-issued placard or plate must be displayed at all times while parking in the space.

§ 576-411. Parking, stopping, standing or drifting prohibited in a loading zone or timed zone. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007; 10-22-2007 by Ord. No. 74-2007]

No person shall allow a vehicle to be parked, stopped, standing or drifted to conceal an officers chalk mark without loading activity for more than 30 minutes in a marked loading zone or more than time designated within the timed zone.

A. Creating commercial loading zones to provide retail businesses with areas for commercial service delivery vehicles to conduct loading and unloading activities (such as trucks that deliver or pick up beverages, food supplies, large merchandise, etc.). It shall be unlawful for any vehicle other than a commercial vehicle to occupy any commercial loading zone within the City during the hours indicated on the signs marking such zones.

   COMMERCIAL VEHICLE — All motor vehicles, with a gross vehicle weight (GVW) of 10,000 pounds or more, used for the transportation of goods, wares or merchandise. Passenger vehicles having a truck license or registration do not qualify.

§ 576-412. (Reserved)[4]

§ 576-413. (Reserved)[5]

§ 576-414. Nonpayment of daily parking fee notice. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

Any vehicle parked in a municipal garage having been properly served with a daily parking fee notice shall enclose the appropriate dollar amount due along with the time stamped entry ticket in the envelope provided. Failure to return the daily parking fee notice to the Reading Parking Authority, with the appropriate payment amount included, within 72 hours after issuance shall be deemed a violation of this Part.

§ 576-415. Parking violations subject to immediate towing. [Amended 3-1-2005 by Ord. No. 9-2005; 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

Any motor vehicle or conveyance in violation of the parking ordinances enumerated below shall be subject to immediate towing and storage:

A. Parking in prohibited areas (§ 576-401).

B. Parking prohibited in specific areas (§ 576-403). All violators shall be subjected to § 576-416.

C. Storage of vehicles on street (§ 576-407).

D. Illegally registered, uninspected or inoperable vehicles (§ 576-408).

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4. Editor's Note: Original § 15-412, as amended, was repealed 9-10-2007 by Ord. No. 68-2007.

5. Editor's Note: Original § 15-413, as amended, was repealed 9-10-2007 by Ord. No. 68-2007.

E. Parking prohibited on private property (§ 576-409).

F. Parking prohibited at handicapped areas (§ 576-410).

* Updated - Ordinance No. 63-2016

§ 576-416. Notice of violation; waiver. [Amended 10-14-2002 by Ord. No. 52-2002; 5-27-2003 by Ord. No. 16-2003; 8-9-2004 by Ord. No. 37-2004; 9-25-2006 by Ord. No. 60-2006; 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007; 11-10-2008 by Ord. No. 72-2008; 11-22-2010 by Ord. No. 97-2010]

A. Any police officer or duly authorized Parking Authority employee shall place on motor vehicles/conveyances parked in violation of the provisions of this Part, a notice for the owner or operator.

B. Whenever any vehicle is caused, allowed or permitted by any person to be parked in an area in violation of any parking restriction or parking regulation either in this Part or as otherwise provided by law, notification of the violation may be given by the placing of a parking violation notice or copy thereof upon or within such vehicle, indicating: the dollar amount of the penalty charged and that such penalty charge shall be paid to the Reading Parking Authority within 240 hours from the time of the violation; and the place where the penalty charge shall be paid and the manner of payment. All unlawful parking penalties shall be paid no later than 30 days after the date of the violation. If the owner or operator fails to make payment as aforesaid, a citation shall be issued pursuant to Rules of Criminal Procedure 401.

C. Unlawful parking penalty charges for violations of the herein enumerated sections of this Part prior to issuance of a citation or other legal process are as follows:

Code	**Penalty**	**After 240 Hours**
§ 576-401, Parking in prohibited areas	$35	$55
§ 576-402, Parking limited in designated areas	$35	$55
§ 576-403, Parking prohibited in specific areas	$30	$50
Stop, stand or park a vehicle:		
In a traffic lane	$85	$100
On a sidewalk	$60	$85
Within an intersection	$35	$55
On a crosswalk	$35	$55
Between a safety zone and the adjacent curb	$35	$55
Alongside or opposite any street excavation	$35	$55
Upon any bridge or other elevated structure	$35	$55
On any railroad tracks	$35	$55
In the area between roadways of a divided highway	$35	$55
At any place where official signs prohibiting stopping	$35	$55
Stand or park a vehicle		

Code	Penalty	After 240 Hours
In front of a public driveway or private driveway upon complaint received	$60	$85
Within 15 feet of a fire hydrant	$85	$100
Within 20 feet of a crosswalk at an intersection	$35	$55
Within 30 feet upon the approach to any flashing signal, stop, yield or signal	$35	$55
Within 20 feet of the driveway entrance to a fire station	$35	$55
Preventing the free movement, streetcar, municipal bus or public transportation	$35	$55
On limited-access highways unless authorized by official traffic control devices	$35	$55
At any place where official signs prohibit standing	$35	$55
At a yellow curb	$35	$55
Park a vehicle within 50 feet of the nearest rail or railroad crossing	$35	$55
At any place where official signs prohibit parking	$35	$55
In an alley less than 18 feet wide	$35	$55
§ 576-404, Blocked garage entrance	$35	$55
§ 576-405, Greasing or repair work	$80	$145
§ 576-407, Storage of vehicles on streets	$60	$115
§ 576-407, 48-hour parking restriction tractor trailer	$110	$200
§ 576-408, Illegally registered, uninspected or inoperable vehicles	$60	$115
§ 576-409, Parking prohibited on private property	$60	$85
§ 576-410, Handicapped space no plate, placard	$135	$200
§ 576-411, Parked, stopped, standing in loading or timed zone	$25	$40
§ 576-414, Nonpayment of daily parking fees	$25	$40
§ 576-417, Residential parking permit required	$25	$40
§ 576-418, Hazardous vehicles	$60	$115
§ 576-420, Parked against traffic flow	$35	$55
§ 576-602, Daytime parking restrictions	$35	$90

D. In all cases, failure of the owner or operator to make payment within 30 days from the date a violation notice was served shall make the owner or operator subject to a penalty for the

violation of indicated of not less than the amounts specified in the 240 hours table above or an amount not to exceed the current allowable maximum prescribed by law.

* Updated - Ordinance No. 62-2016

§ 576-417. Residential permit parking. [Amended 11-14-2005 by Ord. No. 73-2005; 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

A. Purpose. The City Council of the City of Reading considers it to be in the interest of the citizens of the City to provide for the establishment of a residential permit parking program in order to alleviate the hardship experienced by residents in obtaining on-street parking space, to preserve the residential quality of neighborhoods and to provide for improvement in air quality. The powers and duties as contained in this section shall be performed by the Parking Authority.

B. Residential permit parking program. The Parking Authority is hereby authorized to designate, subject to approval by the City Council as herein provided, certain streets and other public areas within the City as permit parking areas in which resident vehicles displaying valid parking permits may stand or be parked without limitation by parking time restrictions established by this Part. Vehicles not displaying valid parking permits may stand or be parked for a limited time not to exceed the time specified upon adequately posted signs.

C. Designation of residential permit parking areas. A residential area shall be considered for designation as a residential permit parking area, provided that designation criteria established by this Part be satisfied and that City Council, through enactment of an ordinance, authorize the posting of appropriate signs specifying limits and period of the day for its application.

D. Designation criteria. A residential areas shall be deemed impacted and thereby eligible for residential permit parking provided that the following criteria are satisfied:[6]

(1) In areas zoned other than Commercial Core District, the following criteria must be met:

(a) At least 50% of the street level, front frontage use is residential or non-business-related.

(b) During any period between the hours of 8:00 a.m. and 6:00 p.m. on weekdays except holidays, the number of vehicles parked and/or standing, legally or illegally at on-street parking spaces, is equal to 70% or more of the legal on-street parking capacity of the area. For purposes of this evaluation, a legal parking space shall be 20 lineal feet.

(c) During the same time period as specified above, 10% or more of the vehicles parking and/or standing on the streets in the area are not registered in the name of a person residing within three-block distance of the location at which the vehicle is parked.

(d) On streets where there are parking meters and/or time restricted parking in Subsection D(1)(b) and (c) are not criteria for designation.

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6. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(2) In areas zoned Commercial Core District, the following criteria must be met:

(a) At least 80% of the street level front footage abutting the street designated must have a residential or non-business-related use.

(b) During any period between the hours of 8:00 a.m. and 6:00 p.m. on weekdays except holidays, at least 80% of all occupied on-street parking spaces are occupied by vehicles registered in the name of the person residing within three blocks of the location at which the vehicle is parked.

(c) If the above criteria is not met at any time, the Reading Parking Authority shall notify City Council. City Council may consider revoking the residential parking permit status for that street.

E. Designation process.

(1) If the area in question is not approved residential permit parking zone and a sufficient number of residents have requested to be a residential permit parking zone, then the Parking Authority will schedule and administer a public hearing. For this hearing, every resident and property owner of the proposed plan area shall be notified by mail. On the basis of testimony taken, City Council shall not designate the areas as an official residential permit parking area.

(2) On blocks or portions there within residential parking permit zone where parking meters and/or time-restricted parking already exists, the Parking Authority may designate the area as a residential permit parking block.

(3) On blocks or portions thereof within a residential parking zone where no parking meters and/or time-restricted parking exists, the following process is to be followed:

(a) A block or portion thereof may be considered as a potential residential parking block or portion thereof upon the receipt by the Parking Authority of verified petitions from residents of that block or portion thereof. A separate petition must be filed for each block and in order for the petition to be valid, it must contain the signatures of the majority of households in that block.

(b) The Parking Authority shall conduct surveys of potential residential parking areas to determine the following:

[1] The number of legal on-street parking spaces available on each blocking the area.

[2] The number of legal on-street spaces occupied by parked vehicles during an average weekday on each block in the area. Two surveys will be made on different days of the week and at different times of the day. One observation will be made in the early part of the day.

[3] The number of parked vehicles in the area which are registered to addresses of persons who do not live in the area.

(c) If all designation criteria for a particular block has been satisfied, the Parking Authority shall direct the Division of Traffic Engineering to erect, or cause to be erected, signs on the designated block indicating the parking beyond

the stipulated hours is by permit only. This restriction shall be considered a temporary traffic regulation subject to approval by City Council.

F. Issuance of parking permits. The following City Council approval of the designation of a residential permit parking area, the Parking Authority may issue appropriate permits and shall cause parking signs to be erected in the areas indicating the times and conditions under which parking should be allowed. A permit shall be issued upon application and payment of the applicable fee, only to the owner or operator of a motor vehicle who resides in appropriate residential permit parking area. A separate permit shall be required for each motor vehicle. Commercial vehicles are not eligible for permits. Eligibility for a permit shall be a as follows:

(1) Residents. The resident must prove residency and vehicle ownership or evidence of having a leased or company owned vehicle. The Parking Authority shall establish criteria for proof of residence. A separate application shall be required for each vehicle and each application shall be accompanied by permit fee.

(2) Visitors. Special permits may be issued to visitors for a period of time not to exceed 14 days. No resident of a residential permit parking area shall be issued more than two visitor permit at any time.

(3) Residents living in the Commercial Core District have the option of purchasing a permit to park in an adjacent designated areas.[7]

G. Display of permit. Permits shall be displayed from the front windshield rearview mirror so as to be readily visible to enforcement personnel.

H. Permit parking exemption. A resident vehicle on which is displayed a valid parking permit as provided for herein shall be permitted to stand or be parked in the residential permit area for which the permit has been issued without being limited by time restrictions or meter requirements established pursuant to this section. However, said resident's vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this section including Part 4 of this chapter, as well as loading zones, time parking zones, handicapped zones and other special parking restrictions. All other motor vehicles parked within a residential parking area shall be subject to the time restrictions and meter requirements adopted as provided in this section as well as the penalties provided for herein.

I. Application for and duration of permit.

(1) A residential parking permit shall be issued on the basis of one permit per vehicle registered to an address in the approved block, up to a maximum of four vehicles per household.

(2) The application for the residential parking permit shall contain the following information:

(a) The name and residential address of the owner of the vehicle.

(b) The name, residential address and driver's license number of the principal operator of the vehicle.

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7. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(c) The make, model and registration number of the vehicle.

(d) The signature of the application for the residential parking permit.

(3) The permit(s) shall be valid for a period of 12 months from the date of issuance. It shall be the responsibility of the applicant to ensure timely renewal of an approved permit or permits.

J. Permit fees. An initial processing fee in an amount as provided in Chapter 212, Fees, shall be charged for each residential parking permit issued per motor vehicle. Thereafter, an annual renewal fee as provided in Chapter 212, Fees, shall be charged for each residential permit issued per motor vehicle.[8]

K. Revocation of permit. The Parking Authority is authorized to revoke the residential parking permit of any person found to be in violation of this section and, upon written notification thereof, the person shall surrender such permit to the Parking Authority. Failure, when so requested, to surrender a residential parking permit shall constitute a violation of law and of this Part.

L. Residential parking permit zones. The current residential parking zone list is maintained in the Reading Parking Authority office.[9]

M. Regulations and procedures.

(1) Time restrictions on parking. Except as otherwise designated, on-street parking will be restricted to a one- to three-hour time limit on streets that now have legal, on-street parking except for metered areas. Vehicles bearing valid residential parking permit for this area shall be exempt from the one- to three-hour time limit and meter requirements. The Department of Public Works will erect or cause to be erected signs. These signs shall indicate the one to three hour time limits and the exclusion for vehicles with residential parking permits or shall indicate the exclusion of said vehicles from meter requirements. The one to three hour time limit shall be enforced from 8:00 a.m. to 6:00 p.m. weekdays, excluding holidays.

(2) In the areas with existing parking meters, operators with valid residential parking permits will be allowed to park at meters within the designated areas without the need to deposit coins.

(3) Existing parking regulations. All existing parking regulations shall remain in effect. These include but are not limited to, prohibited parking areas, street cleaning restrictions, loading zones, limited-time pickup areas, and vehicle storage restrictions. Holders of residential parking permits will not be exempted from these regulations.

N. Removal of residential permit parking areas. A residential permit parking area designation can be removed by the following process:

(1) A petition, containing the signatures of 51% of the affected property owners, shall be submitted to the Parking Authority.

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8. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

9. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(2) After certifying the petition, the Parking Authority shall schedule a public meeting, with notice being provided through an advertisement in a local newspaper with daily delivery and by notice delivered through direct mail to the affected property owners.

(3) After taking testimony from the affected property owners, the Parking Authority shall make a recommendation to continue or eliminate the residential permit parking area designation to Council. Council shall approve the removal of a residential parking area designation through the enactment of an ordinance.

O. If special circumstances such as business influx, public entity migration, park designation, etc., change the demographics of a residential permit area in a way that makes it not meet the requirements of the ordinance, the Parking Authority shall convene a public hearing to address the continuance of a designated residential permit. Notice of the public hearing shall be provided to affected residents by direct mail and through an advertisement in a local newspaper with daily delivery. After taking testimony from the affected property owners, the Parking Authority shall make a recommendation to Council. Council shall approve the removal of a residential parking area designation through the enactment of an ordinance.

P. Penalties.

(1) It shall be unlawful and a violation of this Part for any person to stand or park a motor vehicle for a period exceeding the time limitation established pursuant hereto. For violation of any provision of this Part, the owner or operator may within 10 days of the time when such notice was attached to their vehicle, be subject to the penalty as provided in § 576-416C.[10]

(2) It shall be a violation of this Part for a person to falsely represent themselves as eligible for a parking permit or to furnish false information in an application therefor.

(3) It shall be a violation of this Part for a person holding a valid residential parking permit issued pursuant thereto to permit the use of or display such a permit in a vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation of this section both by the person who so uses or displays the residential parking permit on a motor vehicle other than that for which it is issued.

(4) It shall be a violation of this Part for a person to copy, produce or otherwise bring in to existence a facsimile or counterfeit residential parking permit or permits. It shall further be unlawful and a violation of this Part for a person to knowingly use or display a facsimile or counterfeit residential parking permit in order to evade time limitation on parking applicable in a residential permit parking area.

(5) For violation of any provision contained in Subsection P(2), (3) and (4) of this section, the person committing the unlawful act shall be, upon conviction thereof, sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

§ 576-418. Hazardous vehicles. [Amended 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

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10. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

A. No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a street, highway or public property of the City which may be deemed to be a hazardous vehicle. "Hazardous vehicle" is defined as:

(1) Health hazard. Any vehicle with the following characteristics shall be declared a health hazard:

(a) Broken windshields, mirrors or other glass, with sharp edges.

(b) Broken headlamps, tail lamps, bumpers or grills with sharp edges.

(c) Any body parts, trunk, firewall or floorboards with sharp edges or large holes resulting from rust.

(d) Protruding sharp objects from the chassis.

(e) Missing doors, windows, hood, trunk or other body parts that could permit animal harborage.

(f) One or more open tires or tubes which could permit animal harborage.

(g) Any vehicle suspended by blocks, jacks or other such materials in a location which may pose a danger to the public, property owner, visitors or residents of the property on which said vehicle is found.

(h) Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.

(i) Disassembled body or chassis parts stored in or about the vehicle.

(j) Excessive amounts of trash, debris or solid waste in or on the vehicle that could permit animal or vermin harborage.

(2) Fire hazard. Any vehicle that the Fire Department deems a danger to the health or safety of the general public, due to the leakage, condition or instability of its contents shall be declared a fire hazard.

(3) Traffic hazard. Any vehicle suspended or supported by jacks, blocks or any other materials or any vehicle parked, drifted or otherwise situated causing a pedestrian safety or traffic problem shall be declared a traffic hazard.

B. Penalty. After the property authority has deemed any vehicle to be a hazardous vehicle, as defined in this section. It shall be subject to a penalty charge as provided in § 576-416C and to immediate towing and storage in accordance with the towing provisions provided in Part 8B.[11]

(1) Health hazard penalty.

(2) Fire hazard penalty. Nontraffic citation issued.

(3) Traffic hazard penalty. Nontraffic citation issued.

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11. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

C. State law and regulations. In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the City, as the case may be, shall control where the requirements thereof are the same or in excess of the provisions of this section. The code shall control in all cases where the state requirements or the requirements of other ordinances of this City are not as strict as those contained in this Part.

D. Provisions to be continuation of existing regulations. The provisions of this section, so far as they are the same as those ordinances and/or codes in force immediately prior to the enactment of this section, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this section shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of the repealed ordinances.

§ 576-419. Daily parking permits. [Added 11-14-2005 by Ord. No. 77-2005; 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

A. Purpose. The daily parking permit is designed to make legal parking more convenient by having the motorist prepay the parking meter fee in return for a permit (sign). These signs are intended for short-term use only; they are not to be used in place of long term off-street parking. Daily parking permits are good at all metered and nonmetered legal parking spaces. They do not permit parking in prohibited parking zones.

B. The following regulations govern the rental of the parking permit:

(1) The Reading Parking Authority may require a separate Police Department-issued "special event" permit for issuance of four or more signs.

(2) The daily parking permit shall contain the name of the individual or organization renting the sign and the date, time and location of use.

(3) Signs used in parking meter areas must be posted prior to 5:00 p.m. on the night before its intended use and posted one sign per metered space. The permit must be attached to the meter pole with string or wire. The use of tape is not permitted.

(4) Signs used in nonmetered areas must be posted 12 to 16 hours prior to the time indicated on the signs. One sign is required for every parking space.

(5) Daily parking permits are exempt from street cleaning.

(6) Daily parking permits cannot be used at loading zones or pickup zones.

(7) It is illegal to alter this sign or attempt to use it at a date and/or time other than originally specified.

(8) After the sign has served its need and is no longer valid, the renter is responsible for its prompt removal and proper disposal.

(9) Should this sign become damaged or worn out before you are finished with it, bring it to the Reading Parking Authority for a replacement.

(10) No refunds or replacement signs will be issued by the Reading Parking Authority due to rescheduling of events, inclement weather or non use by the renter.

(11) Any violation of any of the above regulations may result in prosecution.

C. The cost of the daily parking permit shall be as provided in Chapter 212, Fees.[12]

§ 576-420. Parking against traffic flow. [Added 3-13-2006 by Ord. No. 21-2006; 2-12-2007 by Ord. No. 14-2007; 9-10-2007 by Ord. No. 68-2007]

A. It shall be unlawful for any vehicle to park against the flow of traffic on one-way and two-way streets.

B. Any vehicle parked in violation of this Part, or as otherwise provided by law, shall be provided with a parking violation notice indicating the penalty as provided in § 576-416C. The penalty shall be paid to the Reading Parking Authority within 240 hours from the time of the violation. Violations not paid within 240 hours will be assessed an additional fee as provided in § 576-416C.[13]

12. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

13. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Part 5
Parking Meters Or Kiosks

[Amended 5-27-2003 By Ord. No. 16-2003; 6-26-2006 By Ord. No. 48-2006; 11-27-2006 By Ord. No. 85-2006; 2-12-2007 By Ord. No. 3-2007; 11-10-2008 By Ord. No. 71-2008; 9-27-2010 By Ord. No. 75-2010; 9-26-2011 By Ord. No. 47-2011; 9-10-2012 By Ord. No. 94-2012; 8-10-2015 By Ord. No. 41-2015]

* Updated - Ordinance No. 31-2016

A
Regulations

§ 576-501. Definitions.

The following words, whether in the singular or plural, when used in this Part, shall have the meanings ascribed to them in this Part except in those instances where the context clearly indicates otherwise:

DIRECTOR — The Executive Director of the Reading Parking Authority or designee.

PARKING METER or KIOSK — A device intended to assist municipalities and public authorities in enforcing ordinances limiting the time during which vehicles may be parked on any street or highway or other public place within parking zone. A parking meter shall include any area where payment may be made by mobile electronic means.

PARKING ZONE — Streets or highways, or portions thereof, or municipal parking lots operated by the City or the Parking Authority of the City on which parking meters or kiosks are installed, operated and used.

PAYMENT — Any proper currency that is legal tender of the United States, which shall also mean any and all other approved electronic means and methods of payment of the amount due at a parking meter, kiosk or at any parking space, including but not limited to credit cards, debit cards, any and all approved mobile or other electronic means of transferring funds to pay for parking at a space in the parking zone.

PUBLIC PLACES — Any municipal parking lot operated by the City or the Parking Authority of the City.

§ 576-502. Parking zones established; traffic control maps.

All municipal parking lots operated by the City of Reading or the Parking Authority of the City of Reading.

A. Parking zones shall be established and set forth by legend on the traffic control maps of the City; the provisions of this section shall not become effective until the adoption of the traffic control maps by Council.

B. The Parking Authority shall have the authority to limit the time period to park in each zone by a properly adopted resolution of the Parking Authority.

C. Parking zones are hereby established on the following streets, highways and blocks in the City of Reading and on municipal parking lots operated by the City or the Parking Authority of the City of Reading, as follows:

(1) Parking Zone 1:

Cherry Street — 800, 600, 500, 400

Penn Street — 400, 700, 800, 900

Court Street — 300, 400, 500, 700, 800 (500 has a mix of thirty-minute and one-hour)

Walnut Street — 400, 500

Reed Street — 100

Elm Street — 500

Church Street — 000

South Third Street — 000

South Fourth Street — 000

North Fourth Street — 000

South Fifth Street — 100

North Sixth Street — 100

South Sixth Street — 000

North Eighth Street — 100

South Eighth Street — 000

North Ninth Street — 000

South Ninth Street — 000

(2) Parking Zone 2.

Cherry Street — 300

Penn Street — 200, 300

Franklin Street — 400, 500

Court Street — 200

Walnut Street — 600, 700, 800

North Third Street — 000 (meters added by Chiarelli Garage)

North Fifth Street — 100, 200, 300

South Sixth Street — 100

North Sixth Street — 200

North Ninth Street — 100

Washington Street — 100

(3) Parking Zone 3.

Court Street — 500

North Fifth Street — 000

East side of North Fifth Street from Court Street to Washington Street

North side of Court Street from North Fifth Street to Church Street (post office)

(4) Parking Zone 4.

Penn Street — 500

North Sixth Street — 000

Court Street — 600

§ 576-503. Saturdays, Sundays and holidays excepted.

Parking restrictions and limitations in any parking zone are exempted on Saturdays, Sundays and on the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Eve and Christmas unless otherwise posted.

§ 576-504. (Reserved)

§ 576-505. Marking of spaces.

In all parking zones, either a parking meter, a sign for electronically controlled areas or a kiosk shall be installed for each parking space or a kiosk or sign for mobile electronically controlled areas for multiple spaces. All parking spaces shall be plainly designated by lines or markings on the surface of the street or highway or parking lot and may be placed parallel, diagonal or perpendicular to the curb. Parking in other than designated parking spaces where so marked is prohibited in any parking zone.

§ 576-506. Meter signals and kiosk receipts.

A. Parking meters shall be placed immediately adjacent to each designated parking space and in such manner as to show or display by signal that the parking space controlled by such meter is or is not legally occupied. Each parking meter shall indicate by a proper legend the established legal parking time and, when in operation, shall also indicate on or by its daily, display, pointer or printed receipt the duration of the period of legal parking or any legal or overtime parking.

B. Kiosks and signs for mobile electronically controlled spaces shall be placed where they will cover multiple parking spaces within a block face. Upon payment, the parking receipt shall be placed on driver's side dashboard or, where applicable, the car's state license plate number shall be entered into the kiosk. For mobile electronic applications, no receipt is necessary.

§ 576-507. Manner of parking.

Every vehicle parked parallel with the curb in any parking zone on a street or highway shall be parked with the front end of such parked vehicle at or immediately adjacent to the parking meter controlling such parking space, or in the case of a kiosk or a mobile electronically controlled area, in the center of the lines of the parking space. Every vehicle parked perpendicular to the curb of any street or highway or any parking lot within a parking zone shall be parked with the front end or the rear end of such parked vehicle, as the situation may be, at or immediately adjacent to the parking meter controlling such parking space, or in the case of a kiosk or a mobile electronically controlled area, in the center of the lines of the parking space. All vehicles shall be parked entirely within the confines of the designated parking space.

§ 576-508. Deposit of proper payments in parking zone.

A. Upon parking any vehicle in any parking space in a parking zone, the operator shall immediately deposit in the parking meter, kiosk or through mobile electronic means controlling such space the proper payment as designated for such parking on the instructions for operations of such parking meter, mobile electronically controlled space or the kiosk. Upon the deposit of such payment, such space may be lawfully occupied during the period of parking time as indicated on the parking meter, the mobile electronic program or the kiosk.

B. Pursuant to this section, the Executive Director is hereby authorized and empowered to designate the methods of proper payment to be placed in such parking meter, mobile electronic format or kiosk and to amend the instructions on the parking meter or kiosk to reflect the proper payment or amount required to occupy the parking space. Maximum parking meter rates for each parking zone shall be established by the City Council from time to time in the City Fee Schedule located in § 212-144, Vehicles and traffic, and authorizing the Parking Authority to reduce the maximum parking meter rates established by City Council from time to time by a properly adopted resolution of the Parking Authority.

§ 576-509. No parking beyond indicated time.

No owner or operator of any vehicle shall cause, allow, permit or suffer such vehicle to be parked overtime or beyond the period of legal parking time as indicated or set forth on the instructions of such sign, device, parking meter, mobile electronic format or kiosk. A vehicle which continues to be parked in violation for a period of three hours after receiving notice of such violation may be cited with an additional violation notice for the same infraction.

§ 576-510. Use of parking meter or kiosk funds.

The payment required to be deposited in parking meters, kiosks or through mobile electronic means is levied and assessed as fees to provide for the proper regulations and control of traffic upon the streets and highways and other public places in the City, including the cost of supervising and regulating the parking of vehicles in the parking zones created hereby, and the cost of the purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of the parking meters, the mobile electronic formats or kiosks and municipal parking lots and garages. The payment required to be deposited in parking meters, the mobile electronic formats or kiosks shall be collected and accounted for under the direction of the Executive Director of the Parking Authority and deposited by the Executive Director or his/her designee.

§ 576-511. Slugs prohibited.

No person shall deposit or cause to be deposited in any parking meter or kiosk any slug, device or metallic substitute for legal coins of the United States (not issued by the Parking Authority) or attempt to substitute or evade any electronic payment.

§ 576-512. Injuring or defacing meters.

No person shall deface, injure, tamper with, break, destroy or impair the usefulness of any parking meter or kiosk installed by authority of Council or by the Parking Authority of the City.

§ 576-513. Exceptions.

Nothing in this Part shall be construed as prohibiting the Mayor or Council from providing for free parking space for loading or unloading of commercial vehicles, for bus stops, taxicab stands or for other matters of a similar nature.

§ 576-514. Enforcement.

The duty of enforcing the provisions of this Part shall be on the Department of Police and the Reading Parking Authority. In case of emergency, any of the provisions of this Part may temporarily be suspended by such Chief of Police or Executive Director, who shall then have the authority to adopt and enforce such other temporary rules and regulations as traffic conditions, during such emergency, may demand or require.

§ 576-515. Duty of police and authorized agents.

It shall be the duty of police officers, Parking Authority personnel or other duly authorized employees of the City, acting in accordance with instructions issued by Chief of Police or designee or the Director of the Parking Authority, to deposit a copy of the violation ticket in a designated receptacle in the Police or Parking Authority office. The copy shall contain:

A. The number of each parking meter, mobile electronically controlled space or kiosk which indicates that the vehicles occupying the parking space adjacent to such parking meter, mobile electronically controlled space or designated by a kiosk is, or has been, parked in violation of any of the provision of this Part.

B. The state license plate number of such vehicle.

C. The day and hour at which such vehicle is parked in violation of any of the provisions of this Part at the time of inspection.

D. Any other facts and knowledge of which may be considered necessary to a thorough understanding of the circumstances attending such violation.

§ 576-516. Verification of parking meters or kiosks.

All parking meters and kiosks located in the City shall be checked for accuracy at least once every three years. A statement verifying that the inspection has been completed shall be submitted to City Council. Parking meters and kiosks shall meet maintenance and acceptable tolerances established by the Pennsylvania Department of Agriculture, Bureau of Weights and Measures.

§ 576-517. Notice of violation; violations and penalties; waiver.

A. Any police officer or other duly authorized Parking Authority employee shall place on motor vehicles/conveyance parked in violation of the provisions of this Part a notice of said violation.

B. Each such owner or operator may, within 10 days of the time when such notice was attached to his motor vehicle/conveyance, pay as penalty in full satisfaction of each violation, the sum of $20 and after 10 days but within 20 days of the violation the sum of $35 and, in default of payment of fine and costs, be imprisoned not more than 10 days.

Part 6
Daytime Parking Restrictions

A
Short-Term Daytime Parking Restrictions

§ 576-601. Findings and purpose.

A. Findings. The City recognizes that on-street vehicular parking impairs the City's ability to remove snow, collect leaves, clean streets and perform other routine maintenance to the City's roadways and utilities.

B. Purpose. It is declared to be the purpose of this Part to provide reasonable short-term daytime parking restrictions on City streets to promote the efficient delivery of public works services.

§ 576-602. Daytime parking restrictions. [Amended 6-12-2006 by Ord. No. 45-2006]

The Director of Public Works shall establish short-term parking restrictions on City streets as necessary to clear streets for the effective implementation of public works operations. The Director shall establish these restrictions within the following guidelines:

A. Each City street will be posted no parking a maximum of once per week, Monday through Friday.

B. Parking restrictions shall be enforced for a maximum four-hour period, between 8:00 a.m. and 12:00 noon or 12:00 noon to 4:00 p.m.

C. Streets shall be posted 12 to 16 hours prior to the time posted on the sign.

D. Only one side of any given street shall be posted "no parking" at a time. The Director of Public Works shall not post both sides "no parking" for the same period.

E. On each street designated for short-term parking restrictions, the Director of Public Works shall post special signs one each block and/or intervals not to exceed 660 feet and at all points where any street affected joins another street with the wording "No Parking, (day and time interval)."

F. Restrictions shall be enforced January 1 to December 31.

G. Vehicles may park in posted parking restrictions zones covered under this Part a minimum of 15 minutes after the street sweeper has passed the affected block. However, posted restrictions will remain in effect for the entire period during a declared snow emergency.

H. The Director of Public Works shall keep on file a detailed implementation plan and route schedule for the street cleaning program and other public works services as deemed necessary. The implementation plan shall include the street sweeping schedule, street cleaning routes and procedures for modifying and/or expanding the program. The plan and respective maps shall be kept on file for public view.

§ 576-603. Notice of violation; violations and penalties; waivers. [Amended 7-12-2004 by Ord. No. 32-2004; 7-12-2004 by Ord. No. 33-2004; 11-28-2005 by Ord. No. 80-2005]

A. Any police officer or other duly authorized Parking Authority employee shall place motor vehicles/conveyance, parked in violation of the provisions of this Part a notice of said violation in a manner provided for pursuant to this Part.

B. All members of the Police Department or Parking Enforcement Officer of the Parking Authority are authorized to boot or remove a vehicle from a street that is consistently in violation of this Part. If a vehicle has three or more violations within a calendar year, the vehicle may be towed to and placed at an area designated by the Chief of Police for the storage of vehicles. All costs for removal, towing, storage or parking of any vehicle removed under this Part shall be paid by the owner of the vehicle and that the vehicle shall remain in storage until all such costs, towing and storage, are paid.

C. For each violation, the vehicle owner or operator may, within 10 days of the time when such notice of violation was attached to the motor vehicle/conveyance, pay a penalty as provided in § 576-416C. After 10 days of the violation, the owner or operator shall pay a penalty as provided in § 576-416C. If in default of payment of such penalty and costs, such persons shall be imprisoned for the maximum period allowed by law. The revenue associated with the increased penalties from those previously set shall accrue to the City of Reading.[14]

D. Every property owner or resident within the City may obtain a maximum of one dismissal per twelve-month period of violation notice issued pursuant to this Part. Such property owner or resident must present proof of current residency and/or vehicle ownership within the location at which said violation notice was issued within 10 days of receiving such notice. It shall be the City's sole discretion to determine whether satisfactory evidence is provided to warrant a dismissal.

14. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Part 7
Commercial Contractor Parking

A
Commercial Contractor Parking Permit and Daily Parking Permit

§ 576-701. Purpose.

The City of Reading and the Reading Parking Authority realize the need for contractors and delivery people to park at various meters and loading zones throughout the City for short periods of time while working on construction related projects and/or deliveries. This need creates an obvious problem of carrying sufficient coinage in metered areas to be in compliance with the parking laws of the City. As a result, the City of Reading and the Reading Parking Authority have developed the commercial contractor permit and the daily parking permit. These permits are designed to make legal parking more convenient by having the motorist prepay the parking meter fee in return for a permit that is to be displayed on the vehicle. These permits are in no way designed or intended to be used in place of long-term off-street parking, they are offered for short-term use or constant delivery. The commercial contractor permit is good only at meters and loading zones within the City with the exception of meters located on Penn Street from Fourth Street to Sixth Street. Daily parking permits are good at all metered and nonmetered locations.

§ 576-702. Criteria for application.

The following is a list of criteria that shall be used in establishing eligibility for issuance of a commercial contract permit:

A. The vehicle must be a clearly marked commercial vehicle or an obvious construction vehicle.

B. If no identifiable markings exist, the Reading Parking Authority may require other proof of eligibility based on City licenses issued for plumbing, contracting, electrical, etc.

C. Note: A description of the vehicle and license plate number is required and will be recorded on the permit. If this information is not available any ticket(s) issued will be valid unless it can be proved that the permit was in the vehicle in question at the time the ticket was issued.

§ 576-703. Display of permit.

Permits shall be displayed on the passenger side lower corner of the windshield so as to be readily visible to enforcement personnel.

§ 576-704. Permit parking exemption.

A. A commercial contractor vehicle on which is appropriately displayed a valid contractor parking permit or daily parking permit as provided for herein shall be permitted to stand or be parked without being limited to time restrictions at meters and shall receive twice the amount of time allotted in loading and time zone requirements pursuant to this Part. However, said commercial contractors vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this Part, including Part 4 and other special parking restrictions. All other vehicles shall be subject to the time

restrictions and meter requirements adopted as provided in this Part as well as the penalties provided for herein.

B. Summary.

(1) A vehicle displaying a valid contractor parking permit is exempt from activating parking meters and shall receive twice the amount of time allotted in loading and timed zones.

(2) A contractors' parking permit does not allow:

(a) A vehicle to park indefinitely in loading zones, limited time zones, passenger pickup zones, handicapped spaces or any other specifically designated areas.

(b) For a vehicle to park on Penn Street between Fourth Street and Sixth Street. Parking on Penn Street between Fourth Street and Sixth Street is permitted with the purchase of a daily parking permit or by properly activating a meter and/or observing loading zone restrictions.

(c) For a vehicle to park in otherwise prohibited areas such as crosswalks, sidewalks, fire hydrants, etc.

(d) Note: Contractors' parking permits are not valid in metered parking lots, i.e., the metered lot on the 300 block of Penn Street, Fifth Street and Cherry Street, Seventh Street and Penn Street. Parking on metered lots is permitted with the purchase of a daily parking permit.

§ 576-705. Daily parking permits.

Any vehicle displaying a daily parking permit is permitted to park at a meter without depositing money. Daily parking permits are not exempt from parking restrictions or prohibitions established in Part 4 of this chapter and other special parking restrictions. A daily parking permit shall contain the name, organization or event and location (i.e., a daily parking permit issued for a moving van on the 100 block of North Ninth Street is only valid in that block).

A. Daily parking permits are exempt from street cleaning.

B. Daily parking permits are permitted in metered lots.

§ 576-706. Permit fees.[15]

A. Commercial contractor parking permit. The commercial contractor parking permit is offered in an amount as provided in Chapter 212, Fees, on a monthly basis only.

B. Daily parking permit. The daily parking permit is offered in an amount as provided in Chapter 212, Fees, per day for metered spaces and in an amount as provided in Chapter 212, Fees, for nonmetered spaces.

C. There shall be no prorating fees, rebates or refunds for canceled commercial contractor parking permit(s). A stolen commercial contractor permit will be replaced at no charge upon submission of a police report company to the Parking Authority. Replacement of

15. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

lost permits shall be issued for a fee in an amount as provided in Chapter 212, Fees, and will only be issued to the previously registered vehicle on file with the Reading Parking Authority or its replacement in case of total loss, proof of which shall be required replacement.

§ 576-707. Revocation of permit.

These permits are subject to revocation at any time by the City or the Reading Parking Authority. Grounds for revocation shall be based on repeated violation of the intent and meaning of this Part, the interpretation of which shall be rendered by the Chief of Police or Executive Director of the Parking Authority. Any and all fees charged for revoked permits are entirely nonrefundable.

§ 576-708. Violations and penalties.[16]

Any vehicle parked in violation at a meter, loading or timed zones without a valid commercial contractor parking permit or daily parking permit shall be subject to the fines and provisions of § 576-416 for such offenses as outlined in this chapter.

16. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

Part 8
Impounding And Booting Of Vehicles

A
Removal and Impoundment of Illegally Parked Vehicles

§ 576-801. Applicability and scope. [Amended 3-1-2005 by Ord. No. 10-2005[17]]

The City of Reading Home Rule Charter and the State Vehicle Code provide the local governing body with the authority to adopt ordinances and regulations to address local problems. This Part provides the City with the authority to remove and impound those vehicles which are parked in a tow-away zone or in violation of the Code of the City of Reading. Any such vehicle may be removed by the Reading Police Department, the Reading Parking Authority, or upon order of the Managing Director seven days after the registered owner is provided with written notice to remove the vehicle. Notice shall be transmitted by posting a notice on the vehicle itself, by hand delivery to such owner, or by certified mail. The notice will advise the owner of the violation and direct that he make the necessary corrective action within five days or the vehicle will be removed by the City, with the cost of the removal and storage to be levied against the owner and that prosecution proceedings will be commenced.

§ 576-802. Authority to remove and impound.

The City shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally; provided, that the circumstances of its parking were within the conditions stated in § 576-801. Provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Part or the provisions of the Vehicle Code.

§ 576-803. Tow-away zones designated.

The following designated streets and/or parking lots are hereby established as tow-away zones. Signs shall be posted to place the public on notice that their vehicles may be towed for violation of City parking regulations:

Street	Side	Between	Parking Lot
		(Reserved)	

§ 576-804. Designation of approved storage garages; bonding; towing and storage.

Removal and impounding of vehicles under this Part shall be done only by "approved storage garages" that shall be designated from time to time by the City Council. Every such garage shall submit evidence to the City Council that it is bonded or has acquired liability insurance in an amount satisfactory to the City Council as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to the City Council its schedule of charges for towing and storage of vehicles under this Part and, when the schedule is approved by the City Council, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person

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17. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

whose vehicle is removed or impounded under this Part by any approved storage garage. The City Council shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this Part.

§ 576-805. Payment of towing and storage charges.

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Part for which the vehicle was removed or impounded.

§ 576-806. Reclamation costs. [Amended 8-26-2013 by Ord. No. 35-2013]

In order to reclaim his vehicle, the owner shall pay towing and storage costs plus a $50 fee, of which $25 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

§ 576-807. Records of vehicles removed and impounded.

The City shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

§ 576-808. Restrictions upon removal of vehicles.

No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

§ 576-809. Violations and penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of $50 together with all costs of disposing of the vehicle under the provisions of the Vehicle Code, 75 P.S. § 7301 et seq.

§ 576-810. Reports and disposition of unclaimed vehicles.

If after a period of 15 days the vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with § 7311 of the Vehicle Code, 75 Pa.C.S.A. § 7311, by the person having legal custody of the vehicle. If the vehicle has not been claimed after 30 days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Vehicle Code, 75 Pa.C.S.A. § 7301 et seq.

B
Booting of Motor Vehicles

§ 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 citation to which either no response has been made or for which a summons or warrant has been issued, including any adjudicated citation for which the fine and costs have been imposed and remain unpaid in full. **[Amended 12-9-2013 by Ord. No. 69-2013]**

§ 576-812. Boot installation. [Amended 6-23-2008 by Ord. No. 46-2008; 9-24-2012 by Ord. No. 95-2012; 12-9-2013 by Ord. No. 69-2013]

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. The booted vehicle may be towed by the Parking Authority any time after the boot is installed.

§ 576-813. (Reserved)[18]

§ 576-814. Boot removal hearing.

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

   (1) Depositing of the collateral required for an appearance before a Magisterial District Judge to answer for each unsettled parking violation.

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

   (3) The payment of fees as required by § 576-816.

B. 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 one business day of the demand thereof, or as soon as practical. The post-immobilization hearing shall not be determinative 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.

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18. Editor's Note: Original § 15-813, Notice of booting, was repealed 9-4-2012 by Ord. No. 95-2012.

§ 576-815. Booting or towing and storage of vehicles. [Amended 9-24-2012 by Ord. No. 95-2012]

The Reading Area Parking Authority may immediately tow any vehicle that is booted for having a minimum of five unsettled parking tickets. The booted vehicle may be towed by the Parking Authority any time after the boot is installed. If the booting 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 § 576-814 before the owner of such vehicle or authorized person shall be permitted to repossess or secure the release of the vehicle. Vehicles 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.[19]

The owner of a booted vehicle shall be subject to a fee as provided in §§ 576-806 and 576-809, for such immobilization in addition to any outstanding fines. Which fee shall be paid prior to removal unless otherwise ordered in accordance with § 576-814.

§ 576-817. Tampering with boot prohibited. [Amended 3-13-2006 by Ord. No. 22-2006]

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 therefor, 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.

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19. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

C

Selection of Towing Contractors

§ 576-821. Police to contact approved towing contractors; exceptions.

In all situations covered by § 3352 of Vehicle Laws of Pennsylvania (75 Pa.C.S.A. § 3352), as may be amended, which is incorporated herein by reference and where towing of vehicles is authorized pursuant to the Code of the City of Reading relating to parking and operation of vehicles, members of the Police Department shall contact only towing contractors authorized by Council in accordance with the provisions of this Part, except in an emergency situation, to include a declared snow emergency, where such towing contractors are not otherwise available.

§ 576-822. Definitions.

The term "tower" (authorized towing contractor) as used herein, and in regulations promulgated pursuant to this Part, shall include: vehicle tower, emergency wrecker (towing) service, towing firm, towing company and the plural of any such term.

§ 576-823. Selection of towing contractors. [Amended 1-13-2003 by Ord. No. 2-2003; 2-10-2003 by Ord. No. 5-2003]

The Managing Director or his designee, along with the Purchasing Manager, are authorized to solicit bids and enter into contracts for a period of not more than three years with one or more reputable private towing contractors, in accordance with the City's purchasing procedures. Towing contractors will be required to pay to the City, as surety, an amount determined by the bidding process, in return for being granted the contract to tow for the City. A performance bond or cash in the amount of the successful proposer's bid will be accepted as required surety. Contracts will coincide with the calendar year. Bids will be awarded for a period of three years, with the beginning and end of each term coinciding with the calendar year. Contracts may be renewed for a second term, which may be for a period of years equal than or lesser than the first term. Bid specifications will be promulgated by the Purchasing Manager in conjunction with the Police Department and the Public Works Department.

§ 576-824. Qualifications of tower.

The qualifications of towers eligible to provide towing services under the jurisdiction of City authorities acting in accordance with the Pennsylvania Vehicle Code, the Code of the City of Reading, and any other statutory regulation will be set by City administration. Such qualifications will be specified in the request for proposals that will be available during the bid process.

§ 576-825. Duties of towers. [Amended 1-13-2003 by Ord. No. 2-2003]

Towers will be responsible for fulfilling all duties and responsibilities as specified in the contract. Authorized towing contractor(s), approved pursuant to this Part, will provide towing service for the City of Reading including, but not limited to, motor vehicle accident tows as requested; removal of illegally parked and abandoned vehicles, towing of City-owned vehicles, snow emergency towing, and removal of those vehicles declared to be health and safety hazards as per the Vehicle Code and the Code of the City of Reading. Vehicles declared "health hazards" under provisions of Chapter 564 of the Code of the City of Reading may be declared and tagged as "abandoned" immediately.

§ 576-826. Towing service charges. [Amended 1-13-2003 by Ord. No. 2-2003; 2-10-2003 by Ord. No. 5-2003; 10-12-2015 by Ord. No. 54-2015]

The following are hereby fixed as the maximum charges for all authorized towing contractors in connection with services rendered pursuant to this Part:

A. Towing, twenty-four-hour service.

Type of Service	Day Charge	Night Charge
Basic service		
Municipal administrative fee	$65	$65
Service call[2]	$46	$59
Illegal parking tow fee[2]	$72	$85
Accident tow (first hour)[2]	$91	$104
Snow emergency tow fee[2]	$98	$104
Additional charges		
Accident tow (past first hour)	$10 for each 1/4 hour	$10 for each 1/4 hour[1]
Open locked vehicle	$13	$13
Dropping hooked-up vehicle	$15[3]	$15[3] + service call charge
Dolly tows	$56	$72
Rollback tows (see note)	$125 flat	$125 flat
Storage (regular tow) illegal only	$15 per day w/ 8-hour grace period	
Storage (accident tow and all others)	$30 per day w/ 8-hour grace period	
Disconnect fee (drive shaft)	$13	$13
Winching from curb	$20	$20
Winching: recovery, per truck		
First 30 minutes	$65 + service charge	$65 + service charge
Additional time	$35 up to each 1/2 hour	$35 up to each 1/2 hour
Vehicles greater than 11,000 GVW	300% surcharge	300% surcharge
45 ton truck[4]	$195	$228
Specialized equipment	$25 per hour extra if needed	
Release fee after hours and legal holidays	$59	$59
Disposal of debris	Price shall be determined by degree of hazardous waste	

Type of Service	Day Charge	Night Charge
Mileage charge for vehicle delivery beyond contractor discharge yard	$3 per mile (AAA rates)	$5 per mile (AAA rates)

NOTES:

1 Lower fee charged 7:00 a.m.-7:00 p.m., Monday through Friday; higher fee charged at all other times.

2 Eight-hour grace period from the time of the tow, in calendar days.

3 Dropping hooked-up vehicle. This fee may be charged to the owner or operator of any illegally parked vehicle, or any vehicle ordered towed by a member of the Reading Police Department, if a tow truck is attached in any way to a vehicle, or a substantial effort has been initiated to tow the vehicle and the owner or operator arrives at the scene to claim same prior to its removal. All charges will be paid to driver before vehicle is released to owner.

4 Forty-five-ton truck, or such designation as may be determined for towing vehicles capable of towing a vehicle that may have a maximum weight rating as allowed by Vehicle Laws of Pennsylvania (75 Pa.C.S.A., as may be amended).

B. Labor. Labor charges at a maximum of $52 per man per hour, or fraction thereof, may be charged for services rendered over and above the first man hour of service, when required, computed from the time of arrival at the scene. Utilization of additional personnel, and the assignment of the $52 per hour extra fee (if needed). All hourly charges for equipment and/or labor shall be completely documented. A copy of all documentation shall be submitted to the Traffic Enforcement Unit of the Police Department along with the Police copy of the tow receipt.

C. Storage. There shall be no charge for the first eight hours of storage. Thereafter, a storage charge may commence at the rate of $15 for each additional 24 hours of storage or fraction thereof, and for vehicles involved in traffic stops and/or accidents, $30 is charged for each additional 24 hours of storage or fraction thereof.

D. Rate review and adjustment. City Council may review and adjust the rates set forth in this section as deemed appropriate or necessary but not more frequently than once per calendar year.

§ 576-827. Towing zones.

In order to provide for the immediate removal of those vehicles interrupting the proper and orderly flow of traffic and thereby constituting an emergency situation, City of Reading shall be divided into zones, the number of zones not to exceed two, the boundaries which shall be determined by statistical analysis of the volume of vehicles towed by the Police Department with the exception of abandoned motor vehicle tows. Authorized towing contractors for each zone will be determined through the competitive bid process.

A. Method of altering zones. At the beginning of each contract period, City administration may review the efficiency and suitability of the authorized towing contract zones which have been established and shall make such changes as the traffic control in the City and the welfare and safety of the public shall require.

B. Nontransferability of zone assignments. An authorized towing contractor that provides towing service within an assigned towing zone shall not sell, assign, mortgage or otherwise transfer the right to service their assigned towing zone. In cases where a vacancy occurs, applications for the vacant towing zone will be accepted for 30 days and awarded in compliance with the time specified by City Council.

§ 576-828. Nonliability of City for services. [Amended 1-13-2003 by Ord. No. 2-2003]

The City shall not be liable to the authorized towing contractor for any services in connection with the removal and storage of vehicles pursuant to this Part, or charges incidental thereto. The authorized towing contractor shall seek reimbursement exclusively from the owner of the vehicle, unless the City of Reading has possession of the vehicle.

§ 576-829. Investigation of applicants and facilities.

Upon receipt of such application, the Chief of Police, or his designee, shall cause an investigation to be made of such applicant and the facilities and equipment of the applicant. Failure of an applicant to allow the inspection of the applicant's facilities and equipment shall result in disqualification of the applicant for approval. In the even the investigation shall determine that the applicant has not met the requirements of this Part, the Chief of Police shall notify the applicant in writing, to be hand delivered or mailed via certified mail.

§ 576-830. Right of inspection.

The Chief of Police, or his designee, shall at all times have the right to inspect the authorized towing contractor(s) facilities and equipment in order to ascertain the towing contractor(s) continued compliance with the terms of this Part.

§ 576-831. Promulgation of regulations and penalties.

The City of Reading shall have the authority to promulgate reasonable regulations, including amendments thereto, governing towing procedures, reporting requirements, and penalties as may be imposed for noncompliance.

§ 576-832. Prohibited behavior.

A. Running calls without police dispatch or request from the owner. In addition to other penalties or sanctions as may be provided by law, an authorized towing contractor violating this rule on two or more occasions in a two-year period shall be terminated as an approved towing contractor.

B. In the event that a call is received directly from a vehicle owner, or their representative, to respond to an accident scene, or to the location of a vehicle where the vehicle has the appearance of having been recently involved in an accident, no authorized towing contractor shall remove the vehicle from the scene of the accident, or location of the vehicle, without notification to, and approval by, the Police Department.

C. Soliciting for towing work at the scene of an accident is strictly prohibited and violations of such will be dealt with in accordance with the schedule of penalties provided herein.

D. Authorized towing contractors shall not perform any repair work on towed vehicles without the owner's advanced written authorization.

§ 576-833. Compliance and responsibility.

A. In all situations as enumerated within this Part 8C, approved towing contractors shall comply with all standards, procedures, restrictions and regulations as may be promulgated. Failure to comply with said standards, procedures, restrictions and regulations shall result in the assessment of penalties as provided for by contract.

B. The Reading Police Department, as directed by the Chief of Police, shall have the oversight responsibility of all approved, authorized towing contractors. The Reading Police Department shall maintain records and information on all approved authorized towing contractor/s including, but not limited to, towing logs; towing receipts; communications; complaints; disposition of complaints; penalties imposed and statistical review information.

§ 576-834. Complaint procedure. [Amended 1-13-2003 by Ord. No. 2-2003]

A. Upon receipt of a complaint regarding a possible violation of the provisions of this Part by an approved authorized towing contractor, the Reading Police Department shall conduct a thorough investigation into the allegations and document the result of the investigation.

B. On completion of the investigation by police personnel, they shall submit, in writing, the results of the investigation to the Chief of Police, or his designee, and classify the complaint as:

(1) Sustained. The allegation/s are supported by sufficient evidence/information.

(2) Not sustained. There is insufficient evidence/information to prove or disprove the allegation.

(3) Unfounded. The allegation is false or not factual.

C. If the complaint is sustained, the Chief of Police shall direct the imposition of penalties as described in the current contract between the City and the authorized tower(s). In any case, the complainant and the approved authorized towing contractor shall be notified of the disposition of the investigation.

D. If the recommended penalty for a violation of this Part is termination of the contract between the City and the authorized towing contractor, the towing contractor shall have the right to a meeting before the Managing Director. The Managing Director may uphold the recommendation, or impose any such other recommendations as they may deem applicable. The towing contractor shall have the ability to appeal the Managing Director's decision to the body of Council at a hearing.

§ 576-835. Violations and penalties.

Regulations and penalties for violations are specified in the contract between the City and the authorized tower(s). The reckoning period for the first, second and third violations is the length of the contract period or one year, whichever is shorter, or any other time limit specified by the contract.

Part 9
Snow And Ice Emergency

A
Snow and Ice Emergency Regulations

§ 576-901. Definitions.

In this Part, as accept as defined below, the terms used shall have the meanings as defined in the Pennsylvania Vehicle Code:

DIRECTOR — The Director of Public Works or his designated representative.

SNOW EMERGENCY ROUTE — Those streets marked as such in accordance with the provisions of this Part.

STREET — The entire paved surface between curbs, open to the use of the public as a matter of right for the purpose of vehicular travel.

§ 576-902. Declaration of snow emergency.

A. In the event weather conditions make it necessary for motor vehicle traffic to be expedited and parking on City streets prohibited or restricted for snow removal or other purposes, the Mayor or, in his absence, the Managing Director shall declare a snow emergency.

B. Declaration of a snow emergency shall occur on any day between the hours of 7:00 a.m. and 11:00 p.m. Such declaration shall go into effect a minimum four hours after the announcement.

C. Once in effect, prohibition under this section shall remain in effect until terminated by announcement of the Mayor, with the exception that any street which is clear of snow and ice from curb to curb for length of the entire block is excluded. While the prohibition is in effect, no persons shall park or allow to remain parked any vehicle on any portion of the snow emergency routes identified in this Part.

D. Declarations shall be publicly announced by the Director as outlined in the emergency operations plan.

E. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

§ 576-903. Prohibited parking.

A. The Director may post any City street no parking at any time, for purpose of snow removal, regardless if a snow emergency is declared. When posted, it shall be unlawful for any person to park a vehicle or to fail to remove a vehicle from any place along such posted street.

B. The Director shall post streets "no parking" using temporary signage that states "no parking" and specifies the date, time, location and reason for parking restrictions. No parking shall remain in effect till the street is clear of snow and ice from curb to road center line for the length of the entire block.

C. Vehicle owners shall have a maximum of six hours following such posting by the Director to remove vehicles on posted streets. Vehicles must be removed by the time shown on the posting.

§ 576-904. Moving, impounding and returning vehicles.

All members of the Police Department are authorized to remove or have removed a vehicle from a street that is in violation of the provisions of this Part. Any vehicle removed may be towed to and placed at any area designated by the Chief of Police for impounding of vehicles. All costs of removal, towing storage or parking of any vehicle removed under the provisions of this Part shall be paid by the owner of the vehicle and that vehicle shall remain impounded until all costs are paid.

§ 576-905. Signs to mark snow emergency routes.

On each street designated as a snow emergency route, the Director shall post special signs, one on each block and/or at intervals not exceed 660 feet and at all points where any street affected joins another street with the wording: "Snow Emergency Route. No Parking During Emergency. Tow Away Zone." These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street.

§ 576-906. Official snow emergency routes.

A. The following streets are designated snow emergency routes:

Buttonwood Street

Centre Avenue

Clymer Street

Fifth Street

Fourth Street

Franklin Street

Hampden Boulevard

Hancock Boulevard

Hiester's Lane

Kenhorst Boulevard

Lancaster Avenue

Laurel Street

Mineral Spring Road

Morgantown Road

Museum Road

Old Wyomissing Road

Penn Street

Perkiomen Avenue

River Road

Schuylkill Road

Spring Street

Thirteenth Street

Walnut Street

Washington Street

Wyomissing Boulevard

B. The snow emergency routes are shown in Figure 1.[20]

§ 576-907. Snow removal operations.

A. The Director and Chief of Police are hereby jointly authorized to close any street and redirect traffic whenever necessary to plow, clear or otherwise remove snow. It shall be unlawful for any person to pass through a closed area, unless authorized.

B. City-owned or -contracted equipment is permitted to operate in any direction on any street, at any time upon orders of the Director.

C. No person shall remove snow or ice from private property or any sidewalk and place upon the street.

§ 576-908. Violations and penalties.

A. Whenever any motor vehicle is found parked or left in violation of any provision of this Part, notice of this violation shall be given, in manner provided for parking violation in the City pursuant to Part 4 of this chapter.

B. Every person convicted of a violation of any provision of this Part shall upon such conviction be fined $50 and the cost of prosecution for each offense. In the default of payment of such fine and cost, such persons shall be imprisoned for not more than 10 days.

20. Editor's Note: The snow emergency routes map is on file in the Public Works Department.

Part 10
Pedalcycles And Nonmotorized Vehicles

A
Regulations

§ 576-1001. Riding and parking of pedalcycles on sidewalks along certain streets prohibited. [Amended 3-26-2012 by Ord. No. 34-2012; 5-14-2012 by Ord. No. 47-2012]

A. It shall be unlawful for any person to ride or to park a pedalcycle on the sidewalk unless authorized by City ordinance or provided herein.

B. No person shall ride a bicycle on the sidewalk except for members of the Police Department, employees of the Reading Downtown Improvement District, and employees of the Reading Parking Authority, while on duty, when required for emergency action, who have been duly trained.

C. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $5 and costs.

§ 576-1002. Restrictions on use of pushcarts.

A. The word "pushcart," as used in this section, shall mean a vehicle, including a pedalcycle, propelled solely by human power, and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.

B. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from the City Council as provided in Subsection C of this section.

C. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from the City Council. Every such permit shall be issued to the person making application for the permit, upon payment of a fee, which shall be for the use of the City as provided in Chapter 212, Fees. The permit shall be granted to the applicant, upon payment of the fee, and upon the applicant signing an agreement with the City Council that he shall be bound by the conditions imposed by City Council and made a part of the permit, dealing with the following matters:[21]

(1) Restricting or limiting the parking of the pushcart to one or more stated locations upon the sidewalk and to stated days and hours at each location.

(2) Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on.

(3) Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.

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21. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

D. Any person who violates any provision of this section, or any condition of any permit granted under this section, upon conviction, shall be sentenced to pay a fine of $25 and costs.

§ 576-1003. Skates, skateboards, coasters, sleds and other toy vehicles.

A. It shall be unlawful for any person to ride on a sled upon any sidewalk in the City, or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of § 576-105 or 576-217. Provided, nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.

B. It shall be unlawful for any person to engage in roller-skating, skateboarding or to ride upon or propel any coaster or other toy vehicle upon:

(1) Any street except in order to cross the roadway.

(2) Any sidewalk located in a business district, except that nothing in this subsection shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.

C. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of $5 and costs.

Part 11
Pedestrians

A
Regulations

§ 576-1101. Pedestrians to obey traffic-control signs.

At all locations in the City where official traffic-control signals are installed, pedestrians, except where directed otherwise by pedestrian-control signals installed under § 576-1102, shall obey the directions of those traffic-control signals, as follows:

A. When facing a green signal, a pedestrian may proceed across the roadway within a crosswalk.

B. When facing a steady yellow signal, a pedestrian shall not start to cross the roadway.

C. When facing a steady red signal, a pedestrian shall not enter the roadway.

§ 576-1102. Pedestrian-control signal locations established.

A. At the following locations, official pedestrian-control signals shall be erected (or are ratified if previously erected):

Location

(Reserved)

B. Every pedestrian facing a steady or flashing "Don't Walk" signal shall obey the directions of that signal, as follows:

(1) When facing a steady "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.

(2) When facing a flashing "Don't Walk" signal, a pedestrian shall not start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed crossing during the "Walk" indication should proceed to a sidewalk or safety zone.

C. Any pedestrian who fails to obey the directions of a "Don't Walk" signal, as indicated above, shall be guilty of an offense and a violation of this Part.

§ 576-1103. Locations where pedestrian crossing in unmarked crosswalks restricted.

Except when authorized by a police officer or other appropriately attired person authorized to direct, control or regulate traffic, it shall be unlawful for any pedestrian to cross the roadway at any of the following streets, at the intersection with that street indicated:

Street	Intersection	Direction of Travel

(Reserved)

§ 576-1104. Locations where pedestrians may cross only in crosswalk.

A. It shall be unlawful for any pedestrian:

(1) To cross any roadway in a business district within the City except in a crosswalk.

(2) To cross the roadway, in any of the following portions of streets in the City, except in a crosswalk:

Street	Between
(Reserved)	

B. Provided, nothing in this section shall permit any pedestrian to cross in a crosswalk at any location where that crossing is prohibited by § 576-1102.

§ 576-1105. Pedestrians only.

Cedar Street, from the north building line of Court Street to the south building line of Washington Street, be and the same are hereby restricted to use by pedestrian traffic only.

§ 576-1106. Violations and penalties.

Any pedestrian who violates any provision of this Part shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of $5 and costs.

Part 12
Parades, Special Events, And Public Gatherings

A
Parades, Special Events, and Public Gatherings

§ 576-1201. Short title. [Amended 5-10-2010 by Ord. No. 16-2010]

This Part shall be known and cited as the "Parade and Special Events Ordinance" of the City of Reading, Pennsylvania.

§ 576-1202. Definitions. [Amended 5-10-2010 by Ord. No. 16-2010; 8-23-2010 by Ord. No. 60-2010]

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

APPLICANT — A person who has filed a written application for a special event or community event site reservation permit and who assumes responsibility for all duties and responsibilities, including payment, under this Part. **[Amended 6-27-2011 by Ord. No. 30-2011]**

BLOCK PARTY — A large public party in which many members of a single neighborhood congregate, either to observe an event of some importance or simply for mutual enjoyment. **[Added 10-28-2013 by Ord. No. 49-2013]**

CHIEF OF POLICE — The Chief of Police of the City of Reading, Pennsylvania.

CITY — The City of Reading, Pennsylvania.

COMMUNTY EVENT SITE RESERVATION — A temporary event, gathering, or organized activity on any City street, public property or in any City building or other facility, when use of a site is desired by a community or group of citizens but no disruption of other citizen's passage occurs and no use of City services is needed. A Community Event Site Reservation does not apply to the use of City pavilions, parks or recreation facilities. **[Amended 10-28-2013 by Ord. No. 49-2013]**

A. Neighborhood groups requesting block parties may request the use of City barricades for a fee. A community event site reservation permit must be filed 30 days prior to the planned event.

B. Examples of community event site reservation activities are small gatherings of persons distributing information and/or literature on advocacy, political, religious or other topics while exercising the rights of free speech and peaceful assembly.

COMMUNITY EVENT SITE RESERVATION PERMIT — A document expressing the written and signed authorization to hold a community event site reservation. This document shall be based upon an application and issued by the City of Reading Police Department. **[Amended 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]**

EVENT — A special event and community event site reservation. **[Added 6-27-2011 by Ord. No. 30-2011]**

PARADE — Any parade, march or procession of any kind in or upon any street or public park within the City.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

RECREATION FACILITY/SITE RESERVATION — A temporary event, gathering or organized activity at a City park, pavilion or recreational facility. **[Added 10-28-2013 by Ord. No. 49-2013]**

RECREATION FACILITY/SITE RESERVATION PERMIT — A document expressing the written and signed authorization to hold a recreation facility/site reservation. This document shall be based upon an application and issued by the Reading Recreation Commission. **[Added 10-28-2013 by Ord. No. 49-2013]**

SIDEWALK — That portion of a street between the curblines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

SPECIAL EVENT — A temporary event, gathering or organized activity on any City street, public or private property or in any City park, building or other facility, involving one or more of the following factors: **[Amended 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]**

A. Closing of a public street, sidewalk or alleyway.

B. Blocking or restricting public property.

C. Blocking or restricting access to private property of others.

D. Use of pyrotechnics or special effects.

E. Use of open flame, explosions, or other potentially dangerous displays or actions.

F. Use or display of animals, aircraft or watercraft only when such use or display could create a disturbance or affect the public safety of persons attending or in the immediate area of the event.

G. Sale or service of merchandise, food or nonalcoholic and alcoholic beverages on public and private property where otherwise prohibited by ordinance.

H. Installation of a stage, band shell, vehicle(s) of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public property, or on private property where otherwise prohibited by ordinance.

I. Placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance.

J. Placement of "no parking" signs or barricades in a public right-of-way.

K. Amplification of music, voices, sounds, or activities in excess of Chapter 387, Noise.

L. The Public Works, Fire or Police Departments reasonably determine that the event will result in substantial impact on City resources, facilities or public safety services in response thereto.

M. Examples of special events include but are not limited to: concerts, dances, assemblages, processions, parades, circuses, amusement rides, fairs, festivals, community events, marathons and other running events, bicycle races and tours, car races, boat races and other

organized activity conducted for the purpose of fund-raising for profit, nonprofit fund-raising, community promotion or charity.

N. The Police Department Traffic Unit shall determine if a special event permit is required.

SPECIAL EVENT PERMIT — A document expressing the written and signed authorization to hold a special event issued by the City of Reading Police Department and approved by City of Reading's Risk and Safety Coordinator, City Solicitor, Manager of Property Maintenance, Public Works Director and the Fire and Police Chief. This document shall be based upon an application and issued by the City of Reading Police Department. **[Amended 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]**

SPECIAL EVENT VENUE — That area for which a special event permit has been issued.

STREET — The entire width between the boundary lines of every publicly maintained right-of-way when any part thereof is open to use by the public for the purpose of vehicular traffic.

VENDOR — A person or entity that promotes or exchanges goods or services for money. **[Amended 10-28-2013 by Ord. No. 49-2013]**

§ 576-1203. Permit required. [Amended 5-10-2010 by Ord. No. 16-2010]

A. Except as provided in this Part, no person or entity shall conduct, facilitate, promote, manage, aid, or solicit attendance at a special event, community event site reservation activity or recreation facility/site reservation activity until an applicable permit has been issued by the City of Reading or the Reading Recreation Commission. **[Amended 10-28-2013 by Ord. No. 49-2013]**

B. Exceptions. This Part shall not apply to:

(1) Funeral processions by a licensed mortuary;

(2) House-moving and construction activities;

(3) Activities of a governmental agency or the Reading Recreation Commission acting within the scope of its authority and functions; **[Amended 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]**

(4) Lawful exercise of free speech and right to assemble on sidewalks or other public property where such demonstration does not impede the passage of others and all laws, ordinances, and regulations are obeyed;

(5) Students traveling to and from classes or participating in school district-sanctioned educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities. **[Amended 6-27-2011 by Ord. No. 30-2011[22]]**

§ 576-1204. Application (fees). [Amended 5-10-2010 by Ord. No. 16-2010; 8-23-2010 by Ord. No. 60-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

An individual requiring a special event permit or a community event site reservation permit shall pick up and submit a completed application for the event online or at the City's Police

22. Editor's Note: This ordinance also repealed original Subsection E, regarding a governmental agency, which immediately preceded this subsection.

Department Traffic Office. An individual requiring a recreation facility/site reservation permit shall pick up and submit a completed application for the event online or at the Reading Recreation Commission. The application shall be signed by the applicant. The application will serve as a contract between the applicant and the City of Reading or the applicant and the Reading Recreation Commission as applicable.

A. Filing period.

(1) A special event permit application shall be submitted to the City at least 90 days (three months) but no more than 180 days (six months) prior to the date proposed for the special event.

(2) A community event site reservation permit application shall be filed 30 days prior to the planned event.

(3) A recreation facility/site reservation permit application shall be filed 30 days prior to the planned event.

B. Late applications. The Mayor or Chief of Police, where good cause is shown, may, but is not required to, consider an application filed less than the applicable time frame only if all requirements for the permit can be met.

C. Special event permit application contents. The application for a special event permit shall set forth the following information:

(1) The name, address and daytime telephone number, fax, cell phone number, and email address of the person seeking to conduct such event.

(2) If the event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and those who are authorized and responsible for such organization.

(3) The name, address and telephone number of the person who will be the event chairman and who will be responsible for its conduct.

(4) The location of the event.

(5) The purpose of the event.

(6) The date, days, and times when the event is to be conducted.

(7) The setup, tear-down, and cleanup dates and times.

(8) The route to be traveled, the starting point and the termination point for parades.

(9) The approximate number of persons who will be attending the special event and the approximate number of person who will participate in the event as volunteers or workers. Note: The PA Department of Health requires an ambulance on standby at the event for all events expecting 5,000 or more people.

(10) The hours when such event will start and terminate.

(11) Maps detailing proposed site locations and/or routes along with written descriptions of the following:

(a) Amplification devices: types used and for what purposes.

(b) Electrical requirements: voltage, amperage, and apparatus associated with electrical needs for activities, vendors, etc.

(c) Emergency medical stations: first aid or emergency medical services based on special event risk factors as determined by the City Managing Director or designee.

(d) Equipment: types of equipment used to service special event and/or to be showcased in the event.

(e) Fire lanes: contingency plan for access by fire-fighting and emergency medical vehicles, equipment and personnel.

(f) Fireworks or pyrotechnic displays: amount, type, and firesafety plans, including proof of application for state permit. All pyrotechnic/fireworks/flame display plans must be reviewed by the Fire Marshal's office and a member of the Fire Marshal's staff must be present at the time of the display.

(g) Litter control: number, size and location of trash receptacles, as well as trash removal and disposal.

(h) Parade, race, other similar activities: show start and finish locations for marathons, "fun-runs," "walk-a-thons," trail rides, cycle and motorbike tours, watercraft events, scavenger hunts, etc.

(i) Portable toilets: the number of portable sanitation facilities based on the Portable Sanitation Association International (PSAI) policy, City policies, and City codes, including quantity that will be in compliance with the Americans with Disabilities (ADA) Act.

(j) Signage: type of proposed on-site and off-site signage, including quantity, dimensions and materials.

(k) Street closures and detours: a statement as to whether the special event will occupy all or only a portion of the width of the streets, sidewalks, or other public rights-of-way proposed for pedestrian and vehicular traffic control.

(l) Structures: all temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings and canopies. If any temporary structure is equal to or larger than 200 square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by applicant.

(m) Vendors: list each vendor, including products and services offered. The merchandise, products and services offered cannot be in violation of the duly enacted Code of the City of Reading and cannot include items that are "adult" related and can only be sold to persons over 21 years of age. All vendors must also provide a valid tax ID number, as required by Pennsylvania law, A valid City of Reading business license, a copy of a current City- or state-issued health permit and a food handler certificate.

(n) Vehicles: types of vehicles used to support services to the special event and/or to be showcased in the event along with the approximate number of and description of any vehicles which will participate in the special event.

(o) A plan to accommodate the anticipated parking requirements for those participating or attending the event.

(12) Alcoholic beverages:

(a) Conditions and restrictions on the use of alcoholic beverages.

(b) Submit a list of all vendors who will be providing alcohol.

(c) Note: Alcoholic beverages are prohibited in all City parks, playgrounds and facilities except as specifically authorized by the City and in compliance with the Pennsylvania Liquor Control Board (PLCB).

(13) Admission fees: the cost of admission, if any, and whether the event is a public or private event.

(14) Animals: the approximate number and description of the types of animals anticipated to be part of the special event, if any. Refer to the Animal Control Ordinance[23] for requirements for proper control and handling of animals and animal waste during special events. Event applications including the use of animals will be reviewed by the Animal Control Agency.

(15) Insurance: proof of comprehensive general liability insurance in the amount of $1,000,000, naming the City of Reading and other affected entities as additional insured as explained in § 576-1220.

(16) Water/wastewater: if applicable, a plan for the disposal of wastewater, including capture and containment, as approved by the Public Works Department. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained, and operated according to law.

(17) Miscellaneous: any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

D. Community event site reservation application contents. The application for a community event site reservation shall set forth the following information:

(1) Name of applicant.

(2) Contact information of applicant.

(3) Organization name where applicable.

(4) Organization contact information where applicable.

(5) Location of the event.

(6) Purpose of the event.

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23. Editor's Note: See Ch. 141, Part 2, Animal Control.

(7) Date of the event.

(8) Number of persons expected for the event.

(9) Acknowledgement that the applicant accepts the proposed site in as-is condition at the time of the event.

E. Recreation facility/site reservation application contents. The application for a recreation facility/site reservation shall set forth the following information:

(1) Name of applicant.

(2) Contact information for applicant.

(3) Facility requested.

(4) Purpose of the event.

(5) Date of the event.

(6) Number of persons expected for the event.

(7) Acknowledgement that the applicant is responsible for cleanup.

§ 576-1205. Fees, time limit and cost of event. [Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 8-26-2013 by Ord. No. 35-2013; 10-28-2013 by Ord. No. 49-2013]

Fees. All permit fees are due and payable at the time of filing of the application. A copy of the receipt from the City's Treasury Office must accompany the application through the approval process in order for the permit to be issued.

A. Special event permit: Each applicant requesting a special event permit shall be required to pay a processing fee and a security deposit fee, neither of which will be waived. Such applicant may also be required to pay an additional fee for City services or facilities as described in § 576-1205 below.

(1) All fees required for a special event permit shall be adopted by City Council and contained within the City of Reading Fee Schedule.[24]

(2) If the event is canceled or not held after the permit has been issued by the City, the processing fee will be refunded, minus an administrative processing fee of $50 and other costs incurred by the City.

(3) Security deposit:

(a) All security deposit fees required under this Part shall be adopted by City Council and contained within the City of Reading Fee Schedule.[25]

(b) The security deposit must be paid with a separate check so that it can be placed in escrow for easy return, if applicable.

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24. Editor's Note: See Ch. 212, Fees.

25. Editor's Note: See Ch. 212, Fees.

(c) The full security deposit will be refunded if the location of the special event is clean and free of litter and damage and City services costs are paid. The refund of the security deposit will be prorated based upon the condition of the premises at the conclusion of the event as determined by the City's Police Department Traffic Office or its designee.

(d) The fee amount does not include any additional fees charged by various City departments for the use of City facilities or City services.

(e) Additional fees that arise during the event will be billed to the applicant and will be due within 30 days after mailing of the invoice.

B. Community event site reservation: The community event site reservation is free of charge except block parties requiring City barricades. Such fee for barricades will be adopted by City Council and contained within the City of Reading Fee Schedule.[26] No security deposit will be required.

C. Recreation facility/site reservation: All fees required for a recreation facility/site reservation shall be adopted by City Council and contained within the City of Reading Fee Schedule.

D. Use of City personnel resources for event:

(1) Fire and EMS, Police, Public Works, the Downtown Improvement District and the Reading Parking Authority will determine the number of and duration of personnel needed to provide services for the event based on the nature, the location, and the number of expected attendees. Extra employees will often have to be scheduled as to not significantly interfere with regular City operations. **[Amended 10-26-2015 by Ord. No. 59-2015]**

(2) Costs for needed services shall be paid according to the current City hourly rate for the personnel involved in the event and in adherence to conditions set forth in bargaining agreements, such as the minimum number of hours to be paid for such employee service. The overtime rate for employees will most likely be applicable.

(3) Cost estimates will be provided to the applicant at least 30 days prior to the event. Payment for estimated City services are due in full 14 days prior to the event.

(4) Any complaints concerning the amount and cost of personnel needed to provide a clean and safe event will be heard and decided by the City Managing Director or designee.

§ 576-1206. Changes to application. [Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013; 10-26-2015 by Ord. No. 59-2015]

Any proposed changes to the application prior to the date of the event must be approved by the City's Police Department or the Reading Recreation Commission, as applicable, with possible consultation with Public Works, Manager of Property Maintenance, Fire, Risk and Safety, the Downtown Improvement District, the Reading Parking Authority and the City Solicitor.

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26. Editor's Note: See Ch. 212, Fees.

§ 576-1207. Date of permit issued. [Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

A. Notwithstanding the acceptance of a completed application, no date for an event shall be considered confirmed until an applicant has fully complied with all necessary requirements and the permit has been approved and issued. If an application for an event has been submitted for a specific date but is waiting for approval, no other application can be accepted for that same date and location until a decision on the first application has been made.

B. Certain annual special events have a "standing tentative reserved date," such as the Holiday Parade and the Labor Day Parade. These dates will be honored providing the applicant submits the special event permit application in accordance with this Part.

C. To avoid double-booking a City facility, the person responsible for City facilities should be notified immediately of the proposed date and event so that the venue can be tentatively reserved for said date.

§ 576-1208. Conditions for issuance of permit, where applicable. [Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

The City's Police Traffic Office or the Reading Recreation Commission may issue a permit, where applicable, when:

A. An application is successfully completed and filed in accordance with this Part; and

B. All of the following conditions are satisfied:

(1) The event will not substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic.

(2) The event will not require the diversion of police officers, Fire Department personnel or other department employees so as to significantly impact the City departments' ability to respond appropriately to regular City duty throughout the remainder of the community.

(3) The concentration of persons, animals, vehicles, or things at the staging and disbanding areas, as well as along the event or street activity route, will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.

(4) The event is not being conducted for an unlawful purpose, nor will it violate any ordinance of the City or any other applicable law.

(5) The event will not substantially interfere with any other event for which an event permit has already been issued; nor shall it substantially interfere with the provision of City services in support of other scheduled events or unscheduled government functions.

(6) The event will not have any unmitigated adverse impact upon residential or business access and traffic circulation in the same general venue.

(7) All sponsor(s), participants, and attendees at events are subject to all laws, ordinances, and regulations not specifically exempted by the special event permit or the community event site reservation permit, including but not limited to noise volume, disorderly conduct, and intoxication. Police, fire and code officers may order the shutdown of a special event, community event site reservation or a recreation facility/ site reservation that becomes disorderly or hazardous.

§ 576-1209. Denial or revocation of permit. [Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

The City's Police Department Traffic Office, in consultation with the City Mayor or Managing Director or the Reading Recreation Commission, may deny or revoke an application or subsequent permits if the applicant fails to satisfy or violates any of the requirements set forth in this Part; or

A. The applicant has made or permitted the making of a false or misleading statement or omission of material fact on the permit application; or

B. The applicant has violated this Part or has had a permit revoked within the preceding 12 months; or

C. The applicant violates or has violated within the past 12 months another City ordinance or state law; or

D. The City's Police Department Traffic Office or the Reading Recreation Commission believes that persons or property are at risk as a result of the activities or conduct of persons at the event; or

E. The applicant has violated any terms or conditions of the permit as issued.

§ 576-1210. Notice of decision. [Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

If the application is rejected, notice shall be provided by facsimile transmission, e-mail, telephone, and/or U.S. mail directed to the applicant within 10 business days after the date upon which the application was filed, a notice of its action, stating the facts and conclusions, which are the basis for the denial of the permit. If the permit is revoked, notice shall similarly provide to the applicant a reason for its action within 10 business days after the event.

§ 576-1211. Street activity and route restrictions. [Amended 5-10-2010 by Ord. No. 16-2010; 8-23-2010 by Ord. No. 60-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

The City's Police Department and/or City Managing Director may alter the time restrictions stated herein upon review of the event's location, time, type, safety concerns, the City's capabilities, and proximity to residential properties. Events shall comply with the following restrictions:

A. Events held on public property within the City limits or on a publicly maintained right-of-way may begin staging (setting up) at 6:00 a.m. and shall disband (shut down) at 10:00 p.m. Cleanup must be completed by midnight.

B. Events held primarily in a residential area may begin staging (setting up) at 10:00 a.m. and shall disband (shut down) by 8:00 p.m. Cleanup must be completed by 10:00 p.m.

C. For events held primarily in a residential area and requiring street closures, the appropriate safety/security measures must be approved by the Chief of Police and/or the Managing Director for the duration of the event and at the expense of the applicant.

D. Noise levels for such events shall not exceed maximum permissible sound levels in accordance with the City's Noise Ordinance.[27] This includes but is not limited to air horns and other horn-blowing apparatus, whistles, and amplified music, speech, and other sounds.

E. Throwing any items, including but not limited to candy, gum, food, beads, confetti, balloons, and toys, from any and all kinds of moving vehicles, equipment, trailers, bicycles, motorcycles, animals, etc., during event parades is strictly prohibited. However, such items may be handed to individuals curbside.

F. Only licensed drivers may operate motorized vehicles and equipment during parades. This includes but is not limited to automobiles, tractors, trucks of all makes, all-terrain vehicles (ATV), and go-carts.

G. The merchandise, products and services offered cannot be in violation of the duly enacted Code of the City of Reading and cannot include items that are "adult" related and can only be sold to persons over 21 years of age.

§ 576-1212. Temporary signs for events. [Amended 5-10-2010 by Ord. No. 16-2010; 10-28-2013 by Ord. No. 49-2013]

A. It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign, banner, lighting, or advertising without the prior written approval of the Public Works Department. In case of conflict with the City's sign regulations in the Code of the City of Reading, the City's sign ordinance shall control.[28]

B. All event signs, banners, flyers, or advertisements of any kind shall be contained within the boundaries of the event location and shall be removed within 24 hours of the completion of the event. An event sign not removed in compliance with this section may be removed by the City at the expense of the applicant to include costs incurred by the City for removal of same. If an event sign, banner, flyer, or advertisement becomes a hazard to the public's safety or welfare due to inclement weather, inadequate maintenance, accidental damage, or other cause, the City shall remove the sign immediately at the sole cost of the applicant. After removal by the City, the City may store, dispose, destroy, or otherwise handle the sign as it deems appropriate and shall have no liability to the applicant or sign owner related to same. All banners not picked up by the applicant or designee within one week after completion of said event may be disposed, destroyed, or otherwise handled as deemed appropriate with no liability on the part of the City.

§ 576-1213. Appeal procedure. [Amended 5-10-2010 by Ord. No. 16-2010]

A. Any person aggrieved by the action of the Chief of Police shall have the right to have the action of the Chief of Police reviewed by the Mayor of the City upon written request to

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27. Editor's Note: See Ch. 387, Noise.

28. Editor's Note: See Ch. 485, Signs.

the Mayor delivered by registered mail to the Mayor's office or to the Reading Recreation Commission, as applicable. The Mayor shall thereupon review the action of the Chief of Police and the reasons for his action and notify the aggrieved party by mail within 10 days of the receipt of the appeal of his action thereon. **[Amended 10-28-2013 by Ord. No. 49-2013]**

B. Where a late application has been denied by the Chief of Police, the action of the Chief of Police may be reviewed by the Mayor, upon receipt of a written request for review by the aggrieved party. Failure to issue a permit within three days of the receipt of the appeal shall be deemed notice of dismissal of the appeal.

§ 576-1214. Alternative permit. [Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

The Chief of Police, in denying an application for an event permit, shall be empowered to authorize the conduct of the event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate event permit shall conform to the requirements of, and shall have the effect of, an event permit under this Part.

§ 576-1215. Notice to City and other officials. [Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013]

Immediately upon the issuance of a special event or community site reservation permit, the Chief of Police shall send a copy thereof to the following:

A. The Mayor.

B. The City Solicitor.

C. The Fire Chief.

D. The Director of Public Works.

E. Executive Director of the Downtown Improvement District. **[Added 10-26-2015 by Ord. No. 59-2015]**

F. Executive Director of the Parking Authority. **[Added 10-26-2015 by Ord. No. 59-2015]**

§ 576-1216. Duties of permittee. [Amended 5-10-2010 by Ord. No. 16-2010]

A. A permittee hereunder shall comply with all permit directions and conditions and with applicable laws and ordinances.

B. Possession of permit. The applicant or other person heading or leading such activity shall carry the event permit upon his person during the conduct of the event. **[Amended 6-27-2011 by Ord. No. 30-2011]**

§ 576-1217. Public conduct during event. [Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2011 by Ord. No. 30-2011]

A. Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any event or with any person, vehicle or animal participating or used in an event.

B. Driving through events. No driver of any vehicle shall drive between the vehicles or persons comprising an event when such vehicles or persons are in motion and are conspicuously designated as an event. **[Amended 10-28-2013 by Ord. No. 49-2013]**

C. Parking on special event routes. The Chief of Police, Police Traffic Supervisor, City Managing Director or designated representative shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of an event. **[Amended 10-28-2013 by Ord. No. 49-2013]**

§ 576-1218. Inspections. [Amended 5-10-2010 by Ord. No. 16-2010]

A. Amusement rides and/or attractions associated with special events shall conform to statutory rules and regulations set forth in the Commonwealth of Pennsylvania. Copies of inspection or approval reports shall be required prior to use in the City limits and verified by authorized City personnel. Amusement rides in enclosed areas greater than 1,000 square feet are required to be "fire-sprinkler-ready" with an external Fire Department connection (FDC) and be inspected by the Fire Marshal's office.

B. All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. If any temporary structure is equal to or larger than 200 square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by applicant and shall be inspected by the Fire Marshal's office.

C. Special electrical and water/wastewater needs must be inspected prior to the event.

§ 576-1219. Animal waste. [Amended 5-10-2010 by Ord. No. 16-2010; 10-28-2013 by Ord. No. 49-2013]

Refer to Chapter 141, Part 2, Animal Control, for requirements related to event activities involving animals. Applicants are responsible for properly controlling and handling all animals and animal waste.

§ 576-1220. Insurance required to conduct special event or recreation facility/site reservation event involving City gymnasium rentals. [Amended 5-10-2010 by Ord. No. 16-2010; 10-28-2013 by Ord. No. 49-2013]

A. An applicant for a special event must provide a certificate of insurance showing proof of comprehensive general liability insurance in the amount of $1,000,000. Such insurance shall name the City of Reading, its officers, employees, agents, and, if required, any other public entity involved in the event, as additional insured on a separate endorsement maintained for the duration of the event. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the City of Reading by the carrier and the applicant.

B. The insurance required shall encompass all liability insurance requirements imposed for other permits required under other sections of this Part and is to be provided for the benefit of the City and not as a duty, expressed or implied, to provide insurance protection for spectators or participants.

C. A certificate of insurance must be submitted to the Police Traffic Office no later than two weeks prior to the event. Failure to provide the insurance or the letter of intent for insurance could result in the denial/revocation of the permit.

§ 576-1221. Indemnification. [Amended 5-10-2010 by Ord. No. 16-2010; 10-28-2013 by Ord. No. 49-2013]

The applicant for a permit shall acknowledge that he or she will indemnify and hold harmless the City, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the event.

§ 576-1222. Conditions for premises after event. [Amended 5-10-2010 by Ord. No. 16-2010; 10-28-2013 by Ord. No. 49-2013]

The applicant is required to bring the premises back to the same or better condition; and failure to comply will result in no future events to be held by the applicant or organization and loss of security deposit.

§ 576-1223. Violations and penalties. [Amended 5-10-2010 by Ord. No. 16-2010; 6-27-2010 by Ord. No. 30-2011; 10-28-2013 by Ord. No. 49-2013[29]]

A. It shall be unlawful for any person to stage, present, or conduct or attempt to stage, present or conduct an event without first having obtained a permit therefor as herein provided or who shall otherwise violate any of the provisions of this Part.

B. A person commits a summary offense if he/she:

(1) Knowingly commences or holds an event without an event permit or with a permit that has expired or has been revoked; or

(2) Knowingly violates any terms or provisions of this Part.

C. Violations of this Part shall be treated as strict liability offenses regardless of intent.

D. This Part governs firesafety and public health, safety, and general welfare. Accordingly, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this Part shall be subject to the penalty as provided for in the Code of the City of Reading.

E. The penalty upon conviction of any violation of this Part is $500.[30]

F. The administration may promulgate further regulations concerning this section.

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29. Editor's Note: This ordinance also repealed former §§ 576-1223, Revocation of permit, amended 5-10-2010 by Ord. No. 16-2010; and 576-1224, Prohibited activities, amended 5-10-2010 by Ord. No. 16-2010; and redesignated former § 576-1225, Violations and penalties, as § 576-1223.

30. Editor's Note: Original § 15-1226, Fee Schedule, as amended, which immediately followed this Subsection, was repealed 6-27-2011 by Ord. No. 30-2011.

Part 13
Motorized Devices

[Added 7-12-2004 By Ord. No. 34-2004]

A
Use and Operation

§ 576-1301. Operation of motorized devices is restricted.

A. No person shall operate an unlicensed, unregistered or uninspected motorized device on any alley, public property or street.

B. For the purposes of this Part, a "motorized device" means a device commonly referred to as a "motor scooter" or "powerboard," but not a motorized assistive device used by a person with a disability, that is designed to allow operation powered by an internal combustion engine or electric motor that is capable of propelling the device and operator without human propulsion.

§ 576-1302. Violations and penalties.

Any person who violates a provision of this Part shall be fined in the amount of $300 for the first offense and $500 for each subsequent offense. In addition, the motorized device may be confiscated at the discretion of the police officer and held until the penalties are paid in full.

Chapter 583

VENDING MACHINES

Part 1
Vending Machine Permits

§ 583-101. Purpose.
§ 583-102. Title.
§ 583-103. Interpretation.
§ 583-104. Definitions.
§ 583-105. Permit required.
§ 583-106. Issuance of permit(s).
§ 583-107. Permit fees.
§ 583-108. Permit renewal and expiration.
§ 583-109. Suspension of permit(s).
§ 583-110. Revocation of permits.
§ 583-111. Service of notices.
§ 583-112. Inspections.
§ 583-113. Violations and penalties.
§ 583-114. Construction and severability.
§ 583-115. Enforcement.

[HISTORY: Adopted by the City Council of the City of Reading as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Food code — See Ch. 251.

Construction codes — See Ch. 180.

Zoning — See Ch. 600.

STATE LAW REFERENCES

Retail Food Facility Safety Act — See 3 Pa.C.S.A. § 5701 et seq.

Food Safety Act — See 3 Pa.C.S.A. § 5721 et seq.

Sales and tax rate for vending machines — See 72 P.S. § 7202.

Food Vending Machines — See 25 Pa.C.S.A. Ch. 155.

Part 1
Vending Machine Permits

[Adopted 11-22-2010 By Ord. No. 94-2010 (Ch. 10, Part 21, Of The 2001 Code Of Ordinances)]

§ 583-101. Purpose.

The purpose of this Part is to provide for the regulation of vending machines in the City of Reading. The City of Reading has the responsibility to protect the public health and welfare of its residents and visitors. It is the finding of City Council that the regulation of vending machines is necessary to achieve this end.

§ 583-102. Title.

This Part shall be known as the "Vending Machine Ordinance."

§ 583-103. Interpretation.

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general public health and welfare of the residents of and visitors to the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

§ 583-104. Definitions.

For the purpose of this Part, certain terms shall be defined as follows:

OPERATOR — A person who manages a vending machine in the City of Reading.

PERMIT — The written authorization, issued by the City of Reading, to operate a vending machine within the City of Reading.

PROPERTY MAINTENANCE DIVISION — A division of the City of Reading administration under the Managing Director charged with enforcing the Code of the City of Reading governing issues including, but not limited to, housing, property maintenance and trade.

VENDING LICENSE BOARD OF APPEALS — The Board authorized to hear appeals of and render decisions in matters concerning aggrieved applicants whose vending permits have been denied, suspended, revoked or is not renewed pursuant to this Part.

VENDING MACHINE — Any self-service device offered for public use which, upon insertion of a coin, coins or token, or by similar means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation.

VENDING MACHINE BANK — Two or more vending machines on an account or at a given location.

VENDING MACHINE ENCLOSED — A vending machine located within a building.

VENDING MACHINE PUBLIC RIGHT-OF-WAY — A vending machine located in any approved location which is legally open to public use and is located on a public street, alley, sidewalk, and roadway.

§ 583-105. Permit required.

A. No person shall operate one or more vending machines without a valid permit(s) issued by the Property Maintenance Division. Persons who do not comply with the requirements of this Part shall not be entitled to operate a vending machine in the City of Reading. The City of Reading is excluded from this Part. Permit(s) are not transferable.

B. The operator's company name and service telephone number shall be displayed on each vending machine or conspicuously adjacent to the vending machine bank.

C. All operators of vending machines shall:

(1) Comply with the requirements of this Part.

(2) Maintain at the operator's headquarters or at some other designated location a list of all vending machines operated by such operator within the jurisdiction and the complete address of each machine location or other establishments from which his/her machines are serviced. This information shall be available to the Property Maintenance Division upon request, and shall be kept current.

(3) Notify the Property Maintenance Division of any change in operations involving new types of vending machines or conversions of existing machines to dispense products other than those for which the machines were built.

§ 583-106. Issuance of permit(s).

A. Any person desiring to operate one or more vending machines shall make written application for a permit(s) on forms provided by the Property Maintenance Division that will include registration information on each vending machine to be located within the City of Reading.

B. Upon receipt of such application, the Property Maintenance Division shall make an inspection of the vending machine and equipment location to ensure that the vending machine and equipment location are compliant with all provisions of the Code of the City of Reading including the Health, Plumbing and Electrical Ordinances (Chapter 180) and Zoning Ordinance (Chapter 600).

C. A numbered operator's permit(s) shall be issued to the applicant by the Property Maintenance Division after compliance by the operator with the applicable provisions of this Part. The Property Maintenance Division will track the vending machines by using the operator's permit number.

D. All vending operation locations in the public right-of-way must be approved by the Property Maintenance Division.

E. Existing vending machine operators shall register their current vending machines with the Property Maintenance Division for the 2011 permit year.

§ 583-107. Permit fees.[1]

The operator shall submit an application and an annual permit fee to operate one or more vending machines. Every operator requesting to have an enclosed vending machine or a vending machine bank shall pay an annual permit fee per machine for the privilege of operating a vending

1. **Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).**

machine. Every operator requesting a vending machine on the public right-of-way shall pay an annual permit fee for the privilege of operating a vending machine in the public right-of-way. Such fees shall be set by ordinance, as provided in Chapter 212, Fees.

§ 583-108. Permit renewal and expiration.

All vending machine permits shall begin January 1 and expire on December 31 of each year. It shall be the responsibility of each vending machine operator to see that his machine(s) is/are properly permitted by the Property Maintenance Division.

§ 583-109. Suspension of permit(s).

A. The Property Maintenance Division may, without prior warning, notice or hearing, suspend any permit(s) to engage in a vending operation if the operation constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by Subsection B. When any permit is suspended, vending operations shall immediately cease. Whenever any permit is suspended, the operator shall be afforded the opportunity for a hearing with the Vending License Board of Appeals within 20 days of receipt of a request for a hearing.

B. Whenever any permit is suspended, the operator shall be notified in writing that the permit(s) is, upon service of this notice, immediately suspended and that an opportunity for a hearing will be provided if a written request of a hearing is filed with the Vending License Board of Appeals by the operator within five days. If no request for hearing is filed within five days, the suspension is sustained. Prior to the hearing, the Property Maintenance Division may end the suspension if reasons for the suspension no longer exist.

C. A sustained suspension may be rescinded by the Vending License Board of Appeals after the Property Maintenance Division has confirmed by inspection that the requirements of this Part have been satisfied.

D. The Vending License Board of Appeals, in lieu of suspending any permit, may suspend applicability of the permit to a particular vending machine, machines or specific products.

§ 583-110. Revocation of permits.

Prior to revocation, the Property Maintenance Division shall notify in writing the operator of the reasons for which the permit(s) is subject to revocation. Any permit may be revoked for serious or repeated violations of any of the items of this Part as delineated on the inspection report form or for interference with the Property Maintenance Division in the performance of its duties. The permit(s) shall be revoked at the end of five days following service of a revocation notice. Unless a request for a hearing is filed with the Property Maintenance Division by the operator within such a five-day period, the revocation of the permit(s) becomes final.

§ 583-111. Service of notices.

A notice provided for in this Part is properly served when such notice is posted in a conspicuous place on the vending machine, posted on the property of which the vending machine is located, delivered to the operator or when it is sent by first class or certified mail, return receipt requested, to the last known address of the operator. A copy of any notice shall be filed in the records of the Property Maintenance Division.

§ 583-112. Inspections.

A. Inspection frequency. The Property Maintenance Division shall select a minimum of 10 machines or no more than 33.3% of an operator's vending machines (to be identified by the Property Maintenance Division) located within the City of Reading for inspection.

B. Access for inspection. The Property Maintenance Division, after proper identification, shall be permitted to enter at any reasonable time and after reasonable notice, upon any private or public property where vending machines are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the provisions of this Part. The operator shall make provision for the Property Maintenance Division to have access, either in company with an employee or otherwise, to the interior of all food vending machines operated by him.

C. Notification of inspection findings. Whenever an inspection of food vending machines is made, a copy of the completed inspection form set out in this Part shall be furnished to the operator. Whenever the Property Maintenance Division discovers a violation of any provision of this Part, it shall notify the operator concerned either by the inspection report form set out in this Part or by other written notice. Such form or notice, which is a public document, shall:

(1) Describe the condition found.

(2) Provide a specific and reasonable period of time for the correction of the condition.

(3) State that an opportunity for a hearing on inspection findings will be provided if a written request for such hearing is filed with the Property Maintenance Division within five days of receipt of the notice. The Property Maintenance Division may also advise the operator in writing that unless the violations are corrected within the specified period of time, any permit issued under the provision of this Part may be suspended or revoked in accordance with the provisions of this Part, or court action may be initiated.

(4) Inspection fee. On the year of inspection, every operator shall pay an inspection fee of per machine for those machines that are inspected. The cost of inspection for a vending machine bank shall be set by ordinance, plus an additional amount for each additional machine located within the vending machine bank. Said fees shall be as provided in Chapter 212, Fees.

(5) Report forms. Inspection report forms will be provided by the Property Maintenance Division.

§ 583-113. Violations and penalties.

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of $75 to $1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days, or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

§ 583-114. Construction and severability.

In the event any provision, Section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

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Chapter 600

ZONING

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[HISTORY: Adopted by the City Council of the City of Reading 7-26-2010 by Ord. No. 47-2010 (Ch. 27 of the 2001 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Construction codes — See Ch. 180.

Health and safety — See Ch. 288.

Historic districts — See Ch. 295.

House numbering — See Ch. 302.

Housing — See Ch. 308.

Signs — See Ch. 485.

Storage facilities — See Ch. 502.

Stormwater management — See Ch. 505.

Streets and sidewalks — See Ch. 508.

Subdivision and land development — See Ch. 515.

Part 1
Short Title, Purposes And Interpretations

§ 600-101. Short title.

This chapter shall be known and may be cited as the "City of Reading Zoning Ordinance of 2010," as amended.

§ 600-102. Intent.

The intent of this chapter is to establish a precise set of policies and regulations for the use of land and structures in the City of Reading (hereinafter referred to as the "City"). This chapter is enacted to promote and to protect the public health, safety, comfort, convenience, and general welfare of the people in accordance with the Pennsylvania Municipalities Planning Code, as reenacted and amended, 53 P.S. § 10101 et seq., and to implement and foster policies that are generally consistent with the adopted City of Reading Comprehensive Plan.

§ 600-103. Purposes.

The purposes of this chapter are:

A. To protect the established character and the social and economic well-being of both private and public property.

B. To promote, in the public interest, the utilization of land for the purposes for which it is most appropriate.

C. To prevent loss from fire, panic or other danger.

D. To provide adequate light and air.

E. To provide convenience of access.

F. To prevent overcrowding of land and buildings.

G. To avoid undue concentration of population.

H. To lessen and, where possible, to prevent traffic congestion on public streets and highways.

I. To preserve and enhance the value of buildings and land.

J. To preserve and enhance the visual character and natural beauty of the City.

K. To minimize the impact incompatible uses have on individual neighborhood character.

L. To carry out goals, policies and recommendations in the Berks County Comprehensive Plan.

M. To serve the authorized purposes for zoning regulations as provided in the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. § 10101 et seq.

N. To serve the purposes provided for each zoning district.

O. To carry out the purposes of the Pennsylvania Floodplain Management Act, as amended, 32 P.S. § 679.101 et seq.

P. To carry out the City of Reading and Berks County Comprehensive Plans.

§ 600-104. Interpretation.

The provisions of this chapter shall be construed to be the minimum requirements necessary to serve the community development objectives of the City of Reading. Where the provisions of this chapter impose greater restrictions upon use or development or higher standards regarding a specific matter than those of any statute, ordinance or regulation, the provisions of this chapter shall govern, except where the provisions of this chapter do not have jurisdiction. Where the provisions of any statute, other ordinance or regulation impose greater restrictions upon use or development or higher standards than those enumerated in this chapter, the provisions of such statute, ordinance or regulation shall govern.

§ 600-105. Applicability to City, buildings for public purposes. [Amended 12-16-2013 by Ord. No. 83-2013]

See § 600-1202L, Special exceptions, parks, playgrounds and public buildings.

§ 600-106. Validity and severability.

If any section, subsection, sentence, clause or phrase of this chapter or amendment thereto is for any reason held to be unconstitutional, unenforceable or invalid, such decision shall not affect the remaining portions of the chapter. The Reading City Council (hereinafter referred to as "City Council") hereby declares that it would have passed this chapter and each remaining section and subsection and amendment thereof irrespective of the fact that any one or more of its sections, subsections, clauses, phrases or amendments may be found to be unconstitutional or otherwise invalid.

§ 600-107. Curative amendments.

Provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., shall apply. As of the enactment date of this chapter, such provisions included §§ 609.1 and 609.2 of such Code, 53 P.S. §§ 10609.1 and 10609.2.

§ 600-108. Repealer.

All previous zoning ordinances or parts of zoning ordinances of the City of Reading are hereby expressly repealed in their entirety.

§ 600-109. Applicability to utilities. [Amended 12-16-2013 by Ord. No. 83-2013]

See § 600-1203H, Conditional use.

Part 2
Enforcement And Administration

§ 600-201. Zoning Administrator.

A. Appointment. This chapter shall be administered and enforcement actions undertaken by an agent of the City to be appointed by the Mayor, with the approval of City Council; who shall be known as the Zoning Administrator. The terms "Zoning Administrator" and "Zoning Officer" shall have the same meaning. The Director of the Department of Community Development, or his/her successor, may designate a City employee or employees to serve as Assistant Zoning Officer(s) who shall exercise all the powers of the Zoning Administrator at such times or for such matters as the Zoning Administrator indicates and/or during the absence of the Zoning Administrator. Such Assistant Zoning Officers shall include the Zoning Inspector and Zoning Technician or their successor positions.

B. 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,[1] the Zoning Administrator shall be empowered to perform the duties described and imposed therein. **[Added 10-24-2011 by Ord. No. 53-2011]**

(13) Have the authority to enforce the Historic District Ordinance. **[Added 12-16-2013 by Ord. No. 83-2013[2]]**

C. Conflicts. The Zoning Administrator shall not hold any elective office within the City.

D. Qualifications. The Zoning Administrator shall demonstrate a working knowledge of municipal zoning and shall meet all qualifications established by the Mayor and City Council.

E. Limitations of authority. The Zoning Administrator shall not have the power to permit any construction, use or change of use that does not conform to this chapter.

F. Stop-work orders.

(1) Upon notice from the Zoning Administrator that work on or use or occupancy of any structure, sign, land or premises is conducted contrary to the provisions of this chapter, the Zoning Administrator may require that such work shall be stopped immediately. The stop-work order shall be served to the owner of record of the property, or to the designated owner's agent, by certified mail and be posted on the property.

(2) Any person who authorizes or continues any work, use or occupancy in or about any structure, sign, land or premises after having been served with a stop-work order, except such work as is directed by the City to be performed, shall be in violation of this chapter and subject to the penalties as set forth in § 600-206 hereof.

(3) Any person who has been served with a stop-work order or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall thereafter be abated as permitted by statute or ordinance.

G. Relief from personal responsibility. The Zoning Administrator or any employee charged with the enforcement of this chapter, while acting in such capacity, shall not be personally liable for any actions, effects, consequences or results undertaken in furtherance of the provisions of this chapter. Additionally, the Zoning Administrator shall be indemnified against any cost and/or damage occurred as a result of the execution of his or her official duties. Any suit instituted against the Zoning Administrator or any employee because of an act performed in the lawful discharge of his or her duties pursuant to the chapter in good faith and without malice shall be defended by the legal representative of the City and all costs associated with such action or actions shall be borne by the City.

§ 600-202. Finances and fees.

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1. **NOTE: Section 308-104B, enacted 12-12-2011 by Ord. No. 52-2011.**
2. **Editor's Note: See Ch. 295, Historical and Conservation Districts.**

A. City Council shall appropriate from general funds monies to finance the preparation, administration and enforcement of this chapter, to finance the work of the Zoning Hearing Board, and to support or oppose, upon appeal to the courts, decisions of the Zoning Hearing Board. For the same purposes, City Council may accept gifts and grants of money and services from private sources and from county, state and federal governments which are not prejudicial to the fair and impartial enforcement and administration hereof.

B. City Council shall prescribe reasonable fees to be charged with respect to the administration of this chapter and all applications filed hereunder.

§ 600-203. General administrative procedures.

A. All persons or entities desiring to undertake any new construction, structural or site alteration, razing, grading or changes in the use of a structure or lot shall apply to the Zoning Administrator for a zoning permit by completing the appropriate application form and by paying all required fees. No application shall be accepted or deemed complete until all forms, materials and plans are filed and any fees are fully paid.

B. The Zoning Administrator shall, as applicable:

(1) Issue the zoning permit;

(2) Require submittal of additional information;

(3) Refuse the permit, indicating in writing the reason therefor; and/or

(4) Defer his or her decision until such time as the required approvals of City Council or the Zoning Hearing Board are rendered.

C. If a request for a permit is denied or deferred, or a determination is made by the Zoning Administrator, the applicant may appeal that action to the Zoning Hearing Board in accordance with the provisions of this section.

D. Until a permit is issued, no construction shall be undertaken, and any construction that has occurred prior to the issuance of the permit shall, if requested by the Zoning Administrator, be removed.

E. If a permit has been issued, the action proposed may be undertaken. It is recommended, however, that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit or approval revoked.

F. Prior to occupancy, the applicant shall apply to the Building Inspector for a certificate of occupancy (where such is required under Chapter 180, Construction Codes).

§ 600-204. Enforcement notice.

A. If it appears to the Zoning Administrator that a violation of any provision of this chapter has occurred, an investigation shall occur. The Zoning Administrator shall then initiate enforcement proceedings against a violation by sending an enforcement notice as provided in this section. Prior to sending a formal enforcement notice, the Zoning Administrator may seek compliance in a less formal manner.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to a known occupant involved in a violation (if different from the owner), or to any person who has filed a written request to receive enforcement notices regarding that property.

C. An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person known by the Zoning Administrator to be involved in the violation.

(2) The location of the property in violation.

(3) The specific violation(s), with a description of the requirements that have not been met, citing in each instance the applicable provisions of this chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal in writing to the Zoning Hearing Board within 30 days of receipt of the notice.

D. Any person who authorizes or continues any work, use or occupancy in any structure, sign, land or premises after having been served with an enforcement notice, except such work as is directed by the City to be performed, shall be in violation of this chapter and subject to the remedies set forth in §§ 600-205 and 600-206 hereof.

E. Any person who has been served with an enforcement notice or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, building, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall, thereafter, be abated as permitted by statute, ordinance or law.

F. In any appeal of an enforcement notice to the Zoning Hearing Board, the City shall have the responsibility of presenting its evidence first.

G. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the City if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

§ 600-205. Causes of action.[3]

In the event any structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provision of this chapter, the City, through its designated staff, or any aggrieved owner or tenant of real property who can show that his or her property or person will be substantially affected by the alleged violation, may institute any appropriate legal, equitable or otherwise, action or proceeding to prevent, restrain, correct or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Zoning Administrator with a copy of the

3. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

complaint thereon at least 30 days prior to the time the action is begun. No such action may be maintained until such notice has been given.

§ 600-206. Violations and penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not less than $100, and not more than $500, plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the City of Reading. This chapter does not authorize imprisonment.

Part 3
Permits And Certificates

§ 600-301. Zoning permit.

A. Scope.

(1) No person shall commence to erect, alter or convert any structure, building, lot or sign, nor alter the use of any land or structure until the Zoning Administrator has reviewed such change or construction and has issued a zoning permit or has determined that a permit is not required. Repairs and renovations (such as painting) shall not require Zoning Administrator review.

(2) Zoning permit required. A zoning permit indicates that a zoning application complies with this chapter to the best knowledge of the applicable municipal staff.

(a) A zoning permit is required to be issued prior to the start of any of the following activities:

[1] Erection, construction, movement, placement or expansion of a structure, building or sign.

[2] Change of the type of use or expansion of the use of a structure or area of land.

[3] Creation of a new use.

[4] Demolition of a building.

[5] Establishment of mineral extraction or an outdoor business storage area.

[6] Construction or expansion of a vehicle parking area.

[7] Increase the number of dwelling units or boarding house units.

(3) No person shall expand or change a nonconforming use, nor add to a nonconforming structure, nor change the use of land on which a nonconforming use or structure is situated, until the Zoning Administrator issues a zoning permit authorizing such activity.

(4) If a property with a nonresidential use changes ownership, the new owner shall submit a form to the City to transfer the zoning permit. Such form shall be completed to describe whether the new owner intends to continue the existing use or make any changes to the use. **[Added 2-14-2011 by Ord. No. 8-2011]**

(5) See also the requirements of Chapter 308, Housing, including but not limited to requirements for the designation of a local agent if the owner does not live locally. **[Added 2-14-2011 by Ord. No. 8-2011]**

B. Types of uses.

(1) A zoning permit for a permitted by right use may be issued by the Zoning Administrator.

(2) A zoning permit for a use requiring a special exception or variance shall be issued by the Zoning Administrator only upon the written order of the Zoning Hearing Board after a hearing.

(3) A zoning permit for a conditional use shall be issued by the Zoning Administrator only upon the written order of the City Council following a review by the Planning Commission.

C. Application.

(1) Form. All applications for a zoning permit shall be in writing on a form provided by the Zoning Administrator and shall be submitted to the Zoning Administrator, together with the required fee.

(2) By whom applications are made. All requests for permits shall be made in writing by the legal or equitable owner of the subject property or their authorized agents or appointees. The applicant shall execute an affidavit through which he/she states that he/she is authorized to make the application pursuant to this section.

(3) Review. The Zoning Administrator may submit a copy of any plan and application to any appropriate agency and/or individual (such as Planning Commission, Department of Public Works, etc.) for review and comment.

D. Plans and specifications. Requests for zoning permits shall be accompanied by two copies of a plot plan that shall conform to the following requirements:

(1) Drawn to the scale one inch equals 20 feet, one inch equals 50 feet, or a scale deemed appropriate by the Zoning Administrator.

(2) Show the size and location of all new construction, as well as the location of all existing buildings, structures and signs.

(3) Show the dimensions and area, in square feet, of the lot and buildings situated thereon.

(4) Show the distance of all lot lines to the building setback line.

(5) Show the location of all adjacent streets, alleys and rights-of-way.

(6) Show all proposed and existing parking and loading areas with any proposed storm drainage facilities.

(7) Describe adjacent land uses.

(8) Show all required buffer zones and/or landscape areas.

E. Conditions of permit. The Zoning Administrator shall not issue a zoning permit unless the following conditions have been met or are satisfied:

(1) The use, building, structure or lot conform to the provisions of this chapter, except for:

(a) Variances to this chapter granted or special exceptions allowed and approved by the Zoning Hearing Board as hereinbefore set forth.

(b) Legal nonconforming buildings or uses existing prior to the enactment of this chapter.

(2) Written approval, where required, from the Zoning Hearing Board with all conditions required.

(3) Written statement from the Zoning Administrator that the conditions as listed in the Zoning Hearing Board's written approval have been met, satisfied or are substantially complete.

(4) All applications and documents have been revised in accordance with the conditions of any approval given by the Zoning Hearing Board.

F. Issuance.

(1) The Zoning Administrator shall issue or refuse an application for a zoning permit for a use permitted by right after receiving a complete application except as specifically provided for in this chapter.

(2) A zoning permit shall be issued in at least triplicate.

(3) One copy shall be conspicuously posted by the applicant on the premises. No person shall perform development, construction or renovation activities regulated by this chapter of any kind unless a zoning permit is being displayed as required by this chapter.

(4) After the issuance of a zoning permit by the Zoning Administrator, no changes of any kind shall be made to the application, permit, plans, specifications or other documents submitted with the application without the written consent of the Zoning Administrator.

G. Compliance with permit. All work to or any use of any building, structure, sign or land shall conform to the approved application and plan for which the zoning permit was issued and any approved amendments thereto. The permit shall not be construed as authority to violate, cancel or set aside the provisions of this or any other ordinance unless otherwise expressly stated upon the zoning permit.

H. Duration of permit.

(1) A zoning permit shall be valid until such time as there is a change in use, condition, owner or lessee for which the permit was originally issued, except where the duration of the use or building is limited by action of the Zoning Hearing Board or provisions of this chapter or any amendment thereto.

(2) A zoning permit shall be deemed invalid 12 months after its date of issuance if the authorized work fails to commence within such time or, if the authorized work is suspended or abandoned for a period of 12 months or more after commencing the work. The Zoning Administrator may grant one or more extensions of time for additional periods not exceeding six months each, based upon an applicant's request. Upon expiration or invalidation of the zoning permit, all other permits issued thereon shall become invalid.

(3) Where the duration of the use or building has been limited by action of the Zoning Hearing Board or provisions of this chapter, or any amendment thereto, the life of the zoning permit shall be equally limited. In the event that a variance has been granted or other action has been authorized by the Zoning Hearing Board, the applicant shall secure the necessary permits and commence the authorized action, construction or alteration within 12 months of the final action of the Zoning Hearing Board. The applicant may request, in writing, extensions of the twelve-month period stating the reasons for delay. Unless the Zoning Administrator finds such reasons for delay justifiable, it may refuse to extend the one-hundred-eighty-day period and may, after expiration of said one-hundred-eighty-day period, rescind or revoke the granted variance, authorization and permit.

§ 600-302. Certificates of occupancy.

A. Certificate requirement. It shall be unlawful to use or occupy any structure, building, sign or land, or portion thereof, for which a permit is required herein until a certificate of occupancy for such structure, building, sign, use or land or portion thereof has been authorized by the City.

B. Application. The application for a certificate of occupancy shall be in such form as the Building Inspector may prescribe. The application shall set forth the intended use or occupancy of any structure, building, sign or land or portion thereof, for which a permit is required herein.

C. Inspection. The Zoning Administrator may inspect any structure, building or sign for conformity and compliance with the work listed in the issued permit and all other pertinent laws. No certificate of occupancy shall be issued if the Zoning Administrator has determined that the structure, building or use does not conform to the provisions of this chapter.

D. Maintenance of permit. The certificate of occupancy or a true copy thereof shall be kept available for official inspection at all times.

§ 600-303. Temporary certificate of occupancy.

A. A temporary certificate of occupancy may be secured from the Building Inspector when it is necessary to continue a preexisting activity during modification, alteration or expansion of a building. A temporary certificate of occupancy may also be secured when it is necessary to occupy a portion of a large building or project before the entire building or project is completed.

B. The permit shall indicate that the portion occupied complies with the terms and the intent of the zoning permit and with the provisions of this chapter and any other applicable codes or regulations.

C. The Zoning Administrator may deny approval of a temporary certificate of occupancy if it is apparent that the intended occupants or the general public will be subject to hazards that may result from the continued construction activity or any other cause.

D. A temporary certificate of occupancy shall be reviewed whenever conditions for which it was issued change.

E. Temporary certificates of occupancy automatically terminate when the final certificate of occupancy is issued, or when the time period on such certificate expires.

§ 600-304. Denial and revocation of permits and certificates.

A. A request for zoning permits or certificates of occupancy shall be denied if the information submitted therewith is incomplete, erroneous or otherwise unsatisfactory, or if the application fee is not remitted in full.

B. Revocation.

(1) The Zoning Administrator shall have the authority to revoke a zoning permit or approval issued under the provisions of this chapter in case of one or more of the following:

(a) Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)

(b) Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance or imposed by City Council upon a conditional use.

(c) Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved permit application.

(d) If the applicant has used the premises for felony criminal activity.

(e) If the Zoning Administrator becomes aware that a zoning permit was mistakenly issued in violation of this chapter.[4]

(2) Prior to the effective date of a revocation of a permit or approval, an enforcement notice shall be first provided to the applicant, and the applicant shall be notified that they have a right of appeal to the Zoning Hearing Board.

(3) The Zoning Administrator shall also have the authority to withhold or suspend a zoning permit or other approval under this chapter if one of the conditions exist that are listed in Subsection B(1) above until such time as the applicant shows they have resolved a violation or inaccuracy.

§ 600-305. Continuance of existing permits.

The enactment of this chapter or amendment shall not require a change in plans, construction or designated uses for which a zoning permit has been issued prior to this enactment or amendment if construction has commenced within six months, construction is diligently continued, and the entire building or use shall have been completed within the life of the permit or authorized renewals thereof. In the event that construction has not begun within six months or is not diligently prosecuted or is not completed within the life of the permit or any authorized renewal,

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4. Editor's Note: Original Subsection 2(A)(6), which immediately followed this subsection, was repealed 2-14-2011 by Ord. No. 8-2011.

the permit shall lapse and the construction shall be subject to the zoning regulations existing at the time of said lapse, unless otherwise provided under state law.

§ 600-306. Records.

It shall be the duty of the Zoning Administrator to keep a record of all applications for zoning permits, and records of all known registered nonconforming uses. The Zoning Administrator shall file and safely keep copies of all plans submitted which shall form a part of the records of his or her office. All records and permits issued shall be available for public inspection at reasonable times.

§ 600-307. Certificate of nonconforming use or structure.

A. The owner of a premises occupied by a lawful nonconforming use or structure may secure a certificate of nonconforming use or structure from the Zoning Administrator, after providing evidence that it is a lawful nonconformity.

B. Such certificate shall be authorized by the Zoning Administrator and shall certify to the owner his or her right to continue such nonconforming use or structure, within the applicable limits of City ordinances and statutory and Pennsylvania case law.

C. Copies of certificates shall be maintained by the Zoning Administrator in accordance with the provisions of § 600-306 hereof.

§ 600-308. Report.

The Zoning Administrator should prepare an annual report by March 31 for City Council summarizing all zoning transactions, all complaints of alleged violations, and any action taken regarding violations.

Part 4
Zoning Hearing Board

§ 600-401. Continuation.

The Zoning Hearing Board ("Board") created and existing at the time of adoption of this chapter shall continue under and in accordance with the provisions of this section. Matters pending before the Board at the time this chapter becomes effective shall continue, and be completed under the Zoning Ordinance in effect at the time the Board took jurisdiction of said matters.

§ 600-402. Membership and filling of vacancies.

The members of the Board shall consist of five members who are residents of the City appointed by the City Council. Their terms of office shall be five years and shall be so fixed that the term of office of no more than one member shall expire each year. The Board shall promptly notify the City Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members and alternate members of the Board shall hold no other elected or appointed office in the City and shall not be an employee of the City. The Zoning Administrator or designee shall serve as the nonvoting Secretary to the Board. Newly appointed Board members should attend a minimum of four hours of zoning training within the first year of appointment. All Board members should participate in at least one zoning class or seminar during each two-year period.

§ 600-403. Alternate members.

City Council may appoint by resolution at least one, but not more than three, residents of the City to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this section, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the City. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to § 600-405C hereof. On the resignation of a voting member of the Board, an alternate member shall automatically become a voting member, in order of his or her appointment, to the unexpired term of the member who resigned.

§ 600-404. Removal of members.

Any member or alternate member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of City Council taken after the member has received 15 days' advanced written notice of the intent to take such vote. A public hearing shall be held in connection with the vote if the member shall request the same in writing.

§ 600-405. Organization.

A. The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.

B. For the conduct of any hearing and taking of any action, a quorum shall be not less three voting members of the Board.

C. If, by reason of absence or disqualification of a member, a quorum is not possible, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. An alternative may also serve as may be otherwise allowed under the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

D. The Board may make, alter and rescind rules and forms, for its procedure, consistent with all applicable City ordinances and laws of the commonwealth.

E. The fees for all proceedings, hearings and actions by the Board shall be paid by the applicant.

F. The Board may appoint a hearing officer from its own membership to conduct any hearing on its own behalf, and the parties may waive further action by the Board as provided in § 600-410H.

G. The Board shall keep full public records of its business and should submit a report of its activities to the City Council at least once a year.

§ 600-406. Zoning Hearing Board functions.

The Zoning Hearing Board shall be responsible for the following:

A. Appeals from the determination of the Zoning Administrator.

(1) The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Administrator has failed to follow prescribed procedures, failed to grant or deny a permit, failed to act on an application for a permit, failed or refused to register a nonconforming building, lot, structure or sign, has improperly issued a cease and desist order, or has misinterpreted or misapplied any valid provision of this chapter.

(2) All appeals that allege that the Zoning Administrator has made an error shall be filed directly with the Secretary of the Board within 30 days of the Zoning Administrator's alleged error.

(3) Such appeals shall be in writing, shall explain fully the facts, parties in the case, and shall clearly state the reasons or provisions of the Part on which the appeal is based.

B. Challenges to the validity of this chapter or map.

(1) The Board shall hear substantive challenges to the validity of any land use ordinance, except those brought before City Council pursuant to §§ 609.1 and 916.1(a)(2) of the Municipalities Planning Code, as amended, 53 P.S. §§ 10609.1 and 10916.1(a)(2).

(2) The Board shall hear challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which

challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

(3) Within 45 days, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the Court.

C. Other appeals.

(1) The Board shall also hear appeals from a determination by the Department of Public Works or Zoning Administrator with reference to the administration of Part 18, Floodplain Overlay Zone, of this chapter.

(2) The Board shall also hear appeals regarding the administration of any transfers of development rights.

(3) The Board shall also hear appeals from the determination of the Zoning Administrator or Department of Public Works in the administration of any ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions of Chapter 515, Subdivision and Land Development, of the Code of the City of Reading.

(4) The Board shall also hear appeals from any Zoning Administrator's determination made under § 916.2 of the Municipalities Planning Code, as amended, 53 P.S. § 10916.2.

D. Variances.

(1) The Board may hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant.

(2) The Board may grant a variance only if all of the following conditions, where relevant, are determined to exist:

(a) There are unique physical circumstances or conditions (including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Part in the neighborhood or district in which the property is located.

(b) Because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(c) Such unnecessary hardship has not been created by the appellant.

(d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

(e) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(3) In granting any variance, the Board may attach such reasonable conditions and safeguards, as it may deem necessary, to implement the purposes of this chapter.

E. Special exceptions.

(1) The Board shall hear and decide requests for all special exceptions filed with the Board in writing by any landowner (or any authorized agent) as provided in this chapter and in accordance with such standards and criteria contained in this chapter.

(2) In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes and intent of this chapter.

(3) Special exception use standards are provided in §§ 600-1201 and 600-1202.

F. Conduct of hearings. The Zoning Hearing Board ("the Board") shall conduct hearings and make decisions in accordance with the provisions of § 600-410 hereof and of the Municipalities Planning Code, as amended, 53 P.S. § 10101 et seq.

G. Reporting requirements. The Board shall keep full public records of its business, which is the property of the City, and shall submit an annual report of its activities to the City Council.

H. Court appeals.

(1) In the case of an appeal from the Board to the Court of Common Pleas, the Board shall make the return or file the certiorari required by law, and shall promptly notify the City Solicitor of such appeal and furnish him with a copy of the return including the transcript of testimony.

(2) Any decision of the Board not appealed within 30 days after notice thereof shall be final, unless otherwise provided under state law.

§ 600-407. Expenditures for services.

Within the limitations budgeted by City Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. The members of the Board may receive compensation for the performance of their duties as may be fixed by City Council.

§ 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 days before the date of the hearing and no more than two 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. **[Added 12-16-2013 by Ord. No. 83-2013]**

§ 600-409. Time limitations, persons aggrieved.

The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:

A. No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development, preliminary or final, has been approved by the appropriate City officer, agency or body pursuant to § 914.1(a) of the Municipalities Planning Code, as amended, 53 P.S. § 10914.1(a).

B. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

§ 600-410. Hearing procedures.

The Board shall conduct hearings and make decisions in accordance with the following:

A. Notice of hearings. Notice of all hearings of the Board shall be given as follows:

(1) Advertisement.

(a) Notice to the public shall be published once each week for two successive weeks, in a newspaper of general circulation in the City.

(b) The first publication shall not be more than 30 days and second publication shall not be less than seven days from the date of the hearing.

(c) The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.

(2) Posting. Written notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

(3) Notification requirements. The Board shall give public notice of all matters to be heard at any given hearing and shall give written notice to the owner, appellant, Mayor, City Council, to the governing body of any municipality located within 500 feet of the property at issue, and to all other interested parties who have registered their names and addresses in writing with the City for notices on such matter.

(a) Notice shall also be provided to the last known primary owner of every lot that is abutting, directly across the street or at least partially within 100 feet of the lot in question. However, failure of such notice to be provided shall not delay or negate the hearing and the decision and shall not be a grounds for appeal.

(b) The notices herein required shall state the location of the building or lot, the general nature of the question involved and the time and place of the hearing.

B. Fees and costs. City Council may establish by ordinance a reasonable fee schedule to be paid by the applicant.[5,6]

C. Time constraints. The first hearing shall be held before the Board or Hearing Officer within 60 days from the date of receipt of the applicant's complete application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.

D. Persons entitled to present appeals before the Board. An appeal of the decision of the Zoning Administrator must be presented before the Zoning Hearing Board by one or more of the following persons:

(1) The landowner.

(2) A party with equitable interest in the property.

(3) An attorney licensed to practice in the Commonwealth of Pennsylvania.

(4) A person with a properly executed power of attorney.

E. Parties. The parties to the hearing shall be the applicant(s), the City and any person affected by the application. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

F. Oaths and subpoenas. The Chairman or acting Chairman of the Board presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. Representation by Counsel. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witness on all relevant issues.

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5. Editor's Note: See Ch. 212, Fees.

6. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

H. Conduct of hearings. Hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision, or where no decision is called for, the findings, shall be made by the Board. The parties may, however, waive the decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

I. Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

J. Record.

(1) The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board.

(2) The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

K. Ex parte communications.

(1) The Board shall not communicate, directly or indirectly, with any party or its representative in connection with any issues involved, except upon notice and opportunity for all parties to participate.

(2) The Board shall not take notice of any communication, reports, staff memoranda or other materials (except advice from its Solicitor), unless the parties are afforded an opportunity to contest the material so noticed.

(3) After the commencement of hearings, the Board shall not inspect the site or its surroundings with any party or its representative, unless all parties are given an opportunity to be present.

L. Conflicts of interest. No member of the Board shall vote upon or participate in deliberations concerning any application for which the member has a conflict of interest. Grounds for disqualification on an individual appeal include, but are not restricted to, the following:

(1) Direct or indirect financial or property interest.

(2) Direct business association with one of the parties involved.

(3) A close familial relationship with one of the parties involved.

(4) An overt expression or affiliation with an organization whose ideology expresses a predisposition toward the parties or the intent of the parties involved.

§ 600-411. Stay of proceedings.

A. Upon filing of any proceeding referred to in § 600-408 and while pending before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Administrator or of any agency or body, and all official action thereunder shall be stayed.

B. Action by appropriate City officials shall not be stayed if the Zoning Administrator or any other appropriate agency or body certifies as to the Board facts indicating that such stay would cause peril to life or property.

C. Notwithstanding Subsection B above, a restraining order may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Administrator or other appropriate agency or body.

(1) When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Board.

(2) The granting of a petition presented pursuant to Subsection C(1) and the amount of any bond related thereto shall be within the sound discretion of the court.

§ 600-412. Decision; findings.

A. The Board shall render a written decision or make written findings (when no decision is called for) on the application, within 45 days after the last hearing before the Board. See § 908 of the Municipalities Planning Code, 53 P.S. § 10908.

B. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor.

C. Any conclusion based on any provision of the Municipalities Planning Code, as amended, 53 P.S. § 10101 et seq., or of this chapter, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

D. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decision or findings are final, the Board shall make his or her report and recommendations available to the parties within 45 days and the parties shall be entitled to make written recommendations thereon to the Board prior to final decision or entry of findings. The Board's decision shall be entered no later than 30 days after the decision of the hearing officer.

E. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

§ 600-413. Notice of decision.

A. A copy of the final decision or a copy of the findings (when no decision is called for) shall be delivered to the applicant personally or mailed to him or her no later than one working day following its date.

B. The Board shall provide (by mail or otherwise) a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined to all other persons who have filed their names and addresses with the Board.

C. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a timely decision, as required by § 600-410C or 600-412E hereof, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in § 600-410A. If the Board shall fail to provide such notice, the applicant may do so.

§ 600-414. Effect of Board's decision.

A. If a variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun according to the stipulations set form in this Part as found in § 600-301E through H.

B. Should the appellant or applicant fail to obtain necessary permits within a twelve-month period from the date of approval, or having obtained the permit should he or she fail to commence work thereunder within that twelve-month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned its appeal or application, and all provisions, variances and permits granted to him or her shall be deemed rescinded by the Board without further action.

C. Should the appellant or applicant commence construction or alteration within said twelve-month period, but should he or she fail to complete such construction or alteration within a twelve-month period, the Board may, upon 10 days' notice in writing, rescind or revoke the granted variance, or the issuance of the permit, or the other action authorized to the appellant or applicant. The Board may grant a time extension, if and only if, the Board finds that a good cause appears for the failure to complete within such twelve-month period.

§ 600-415. Mediation option.

A. Parties to proceedings authorized in this Part may utilize mediation as an aid in completing such proceedings. The Board shall neither initiate mediation nor participate as a mediating party in any proceeding pending before the Board. Mediation shall supplement, not replace, those procedures in this chapter once said procedures have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting City police powers or as modifying any principles of substantive law.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Board shall not initiate mediation proceedings until the City shall have assured that, in such case, the mediating parties, assisted by the mediator as appropriate, have developed terms and conditions for:

(1) Funding mediation.

(2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and demonstrated skills in mediation.

(3) Completing mediation, including time limits for such completion.

(4) Suspending time limits otherwise authorized in this Part, provided there is written consent by the mediating parties and by an applicant or City decisionmaking body if either is not a party to the mediation.

(5) Identifying all parties and affording them the opportunity to participate.

(6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

(7) Assuring that mediation solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decisionmaking body pursuant to the authorized procedures set forth in the other sections of this chapter.

C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

§ 600-416. Appeals.

A. 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.

B. 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.

C. 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. **[Added 12-16-2013 by Ord. No. 83-2013]**

Part 5
Zoning Map And Boundaries

§ 600-501. Zoning Map and boundaries.

The boundaries on the districts enumerated in § 600-701 are hereby established on a map entitled "Zoning Map of the City of Reading," which map accompanies and is hereby declared to be a part of this chapter. Where uncertainty exists as to the precise location of the boundaries shown on said map, the following rules shall apply:

A. District boundary lines generally follow the center line of streets, alleys and streams, and lot or property lines as they exist on plans of record at the time of adoption of this chapter. Where a district boundary line divides a lot, the location of said boundary, unless the same is identified by dimensions, shall be determined by use of the scale on the map.

B. Where a district boundary is not fixed by dimensions and where it approximately follows a lot line, such lot line shall be construed to be along such lot line unless specifically shown otherwise.

C. In case any further uncertainty exists, the Zoning Administrator shall interpret the intent of the map as to the location of the district boundary lines.

§ 600-502. Overlays.

Any and all airport zones, floodplains, floodways, flood districts, and flood-prone areas, as any other overlay zones described in this chapter, shall be overlays to the existing districts as shown on the official "Zoning Map of the City of Reading" or any amendatory map, and, as such, the provisions of these overlay zones shall serve as a supplement to the underlying districts. Where any conflict exists between the provisions of the aforementioned sections and the underlying districts, the more restrictive provision shall be applied.

A. However, the RR Overlay Zone shall function in relation to the underlying zoning district as provided in § 600-815.

Part 6
Types Of Uses

§ 600-601. Classifications of uses.

For the purposes of this Part, the following classes of uses are established:

A. Permitted-by-right uses.

B. Accessory uses.

C. Temporary uses.

D. Special exception uses.

E. Conditional uses.

F. Nonconforming uses.

§ 600-602. Permitted-by-right uses.

Permitted-by-right uses may be approved by the Zoning Administrator, provided said use is shown as a permitted-by-right use in the applicable zoning district and the use complies with all other provisions of this chapter.

§ 600-603. Accessory uses.

Accessory uses are uses permitted by right, provided said use is shown as an accessory use in the zoning district schedule for the district in which the accessory use is located or proposed and the use thereof complies with all other provisions of this chapter, and further provided that:

A. The proposed accessory use, building or structure is customarily associated with or incidental to the permitted use existing on the lot.

B. The extent, size and intensity of such proposed accessory use, building or structure is in keeping with the scale, nature and characteristics of the permitted use on the lot.

C. An accessory use or building shall not be allowed unless the principal use exists on the same lot or an adjacent lot under common ownership. Off-street parking areas serving a use allowed in that zoning district may be permitted as an accessory use on noncontiguous lots, except as restricted otherwise in the C-C District.

D. The proposed accessory use, building or structure is not contrary to the intent of the zoning district in which the lot is situated.

§ 600-604. Temporary uses.

A. The Zoning Administrator may issue a permit for customarily accessory temporary uses, such as a construction trailer while on-site construction is actively underway.

B. It is hereby recognized that certain uses and activities, which might otherwise be prohibited by this chapter, are nevertheless such that their establishment and operation for a limited period of time would serve the public interest. This subsection applies for temporarily uses

that are not clearly customary and incidental. For the purpose of this chapter, such uses are declared to be temporary uses that may be approved in any district upon application to and approval by the Zoning Hearing Board, subject to the following:

(1) The proposed use is of such a nature that at the time of application that it would not exert a detrimental effect upon the use of neighboring properties.

(2) The proposed use will contribute to the general welfare and needs of the City of Reading and the general public.

(3) The duration of the proposed use shall be established by the Zoning Hearing Board to serve the intended purpose of the temporary use.

(4) Security shall be required by the Zoning Hearing Board in an amount necessary to restore the property on which the temporary use was located to a condition that complies with the requirements of the Code of the City of Reading.

§ 600-605. Special exception uses.

It is hereby recognized that certain uses may be necessary to serve the needs and convenience of the City, but which uses may become detrimental to the public health, safety and general welfare if not controlled under proper conditions and therefore require special consideration of existing and probable future conditions and characteristics of the surrounding area. Such uses are hereby declared to be special exception uses and may be permitted upon application to and approval by the Zoning Hearing Board, provided said use is shown as a special exception use in the zoning district schedule for the district in which the use is located and subject to the considerations as set forth in § 600-408.

§ 600-606. Conditional uses.

Conditional uses shall be allowed or denied by City Council pursuant to public notice, public hearing, Planning Commission recommendations, and pursuant to standards and criteria set forth in this chapter. In allowing a conditional use, City Council may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter.

§ 600-607. Nonconforming uses, buildings, structures and lots.

A. Within the districts established by this chapter or by amendments thereto, there exist, may exist or will exist: uses of land, structures and lots which were lawful before this chapter was passed or amended but which would be prohibited, to be newly established under the terms of this chapter or future amendment. Inasmuch as these nonconformities are, by definition, alien to the character of a district created under this chapter, it is desirable to control these nonconformities. Over time, these nonconformities are intended to be reduced in number by obsolescence, destruction, abandonment or similar factors. Because nonconformities, so long as they exist, may conflict with the objectives of this chapter, such uses are limited in their expansion and changes.

B. A lawful existing use, building, structure or lot that is made nonconforming at the time of passage of this chapter or any applicable amendment thereto, may be continued except as otherwise set forth in this chapter.

C. In accordance with § 600-201B(2), the Zoning Administrator may identify and register nonconforming uses, buildings and structures. The owner of the premises of a nonconforming structure or owner of a lawful nonconforming use may, upon providing sufficient evidence, secure a certificate of nonconformance from the Zoning Administrator. Other sections of this chapter may require a certificate of nonconformance for certain uses (such as § 600-1203K for student homes). The certificate of nonconformance, for the purpose of this chapter, shall be considered the zoning permit. Such certificate shall be authorized by the Zoning Administrator and shall be for the purpose of ensuring to the owner the right to continue such nonconforming use or structure.

D. Existing nonconforming uses, buildings, structures, or lots shall not be enlarged, reconstructed, substituted or moved so as to extend or increase the nonconformity other than as specified in Subsection D(1); nor shall they be extended or enlarged after passage of this chapter by attachment to a building or premises or by the addition of other uses of a nature which would be prohibited generally in the district involved. Nonconforming uses are further subject to the following:

(1) Upon review by the Zoning Administrator, a nonconforming use may be enlarged up to but not more than 20% of its floor area and land area, whichever is more restrictive, as such existed at the time the use first became nonconforming; provided that such enlargement shall conform to all other regulations of the district in which it is situated. Such 20% shall be a cumulative maximum over the lifetime of the use. Access for persons with disabilities or fire egress may be added without being restricted by the 20% maximum expansion. A nonconforming building or structure may be expanded, provided the expansion conforms to this chapter.

(2) Normal maintenance, repairs and incidental alterations of a building or other structure containing a nonconforming use are permitted, provided they do not extend the area or volume of space occupied by the nonconforming use unless Subsection A is met.

(3) Residential nonconforming uses may be altered in any way to improve interior livability, provided that there is no increase the number of dwelling units on the lot.

(4) A nonconforming use shall not displace or replace a conforming use.

(5) A nonconforming use may be changed into a conforming use at any time. If the conforming use is equal to or less intensive than the prior nonconforming use, off-street parking requirements will not change. A substantial increase in use intensity for any conforming use necessitates provision of the net number of required off-street parking space.

(6) A nonconforming use may be replaced by a nonconforming use that is equally intense or less intense. The Zoning Administrator shall have the authority to approve a change within the same type of nonconforming use, such as from one personal service use to another personal service use, provided the applicant agrees to comply with all of the same conditions that applied to the previous use. This Zoning Administrator approval may be permitted by right. If the Zoning Administrator has doubts about the comparative intensity of the new versus previous use, special exception approval shall be required. All other proposed changes in a nonconforming use shall need special exception approval by the Zoning Hearing Board.

(7) A determination regarding the intensity of a replacement nonconforming use shall consider the following:

(a) Traffic generation and congestion, including truck and passenger car traffic.

(b) Nuisance characteristics such as emission of noise, odor, dust, smoke, fumes, fire hazards, glare and vibration.

(c) Hours and manner of operation.

(d) Waste disposal and storage.

(e) Parking demand, considering the proposed hours of the use.

(8) Buildings or structures, regardless of conformity or ownership, shall not be combined for the purpose of extending an existing nonconforming use or for creating a different nonconforming use.

(9) When a new nonconforming use is proposed, the Zoning Administrator may require that the applicant describe in writing the proposed operations to allow a review of the intensity of the new use versus the previous use. **[Added 2-14-2011 by Ord. No. 8-2011]**

E. Replacing/restoring nonconforming use, building or structure.

(1) In the event that 50% or more of the existing floor area or use of land occupied by a nonconforming use is voluntarily razed, legally condemned, or destroyed by fire, explosion or flood, it may not be restored, reconstructed or used as before except in strict compliance with the zoning regulations of the zoning district in which it is situated, unless special exception approval is granted for such use or activity.

(2) In the event that less than 50% of the existing floor area or use of land occupied by a nonconforming use is voluntarily razed, legally condemned, or destroyed by fire, explosion, flood or other phenomenon, it may not be restored, reconstructed or used as before unless such restoration, reconstruction or use commences within one year from the date of the damage.

(3) In any case, an existing lawful one-family dwelling (such as a one-family attached dwelling) may be reconstructed or replaced with a new one-family dwelling as a permitted-by-right use, provided the new dwelling is not more nonconforming in any measure than the existing dwelling. In such case, the construction shall be started within 12 months after the existing dwelling was damaged, destroyed or demolished.

F. Termination and abandonment of nonconforming uses, buildings or structures shall be subject to the following:

(1) Any nonconforming use, building or structure that is replaced by a conforming use, building or structure shall be deemed immediately abandoned and cannot thereafter be revived.

(2) A nonconforming use, building or structure discontinued for a period of 12 consecutive months shall be presumed abandoned and shall not thereafter be revived without proof, satisfactory to the Zoning Administrator, that the owner did not intend its abandonment through disuse. In making its determination, the Zoning

Administrator shall take into account the owner's compliance (or noncompliance) with the provisions of this subsection and shall consider the impact the use will have on the character of the neighborhood.

(3) One or more of the following shall be deemed evidence of intent to discontinue and abandon a nonconforming use, building or structure:

(a) Failure to properly secure windows, walls and/or doors of the property.

(b) Use of the property for a conforming use.

(c) Demolition of the structure.

(d) Failure to apply for any licenses and/or permits that may be required to continue such nonconforming use.

(e) Failure to market a vacant property for sale or lease, during periods when the property is not actively under renovation.

(f) Failure to appeal the denial of a permit to continue the use.

(g) Failure to file letters of intent as per Subsection G.

(4) A nonconforming use, building or structure shall not be deemed abandoned under the following circumstances:

(a) The consequent restrictions imposed upon the use by a governmental authority during wartime.

(b) Destruction of the property by natural disaster (other than fire, flood or explosion).

(c) Cessation of business during any permitted repair to a structure or to the property.

(5) If a zoning permit or zoning approval is revoked by the City for good cause, and if the applicant does not bring the property and use into compliance with this Part within 120 days, then the City may consider a nonconforming use to have been abandoned. **[Added 2-14-2011 by Ord. No. 8-2011]**

G. Any use that has been discontinued for a period of 12 continuous months shall be deemed abandoned, unless the owner or the owner's authorized agent submits to the Zoning Administrator, at the end of 12 months and every six months thereafter, a letter of intent which clearly indicates that attempts to secure a buyer or tenant for the use are ongoing. In order to claim that a nonconforming use that has been discontinued for more than 12 months has not been abandoned, a valid zoning permit shall have had been issued for the previous use, unless the applicant shows that a lawful use was on the premises that predated a requirement for a zoning permit. **[Amended 2-14-2011 by Ord. No. 8-2011]**

§ 600-608. Prohibited uses, general.

The following uses are expressly prohibited:

A. Those uses that are not listed in a zoning district schedule shall be prohibited in that zoning district.

B. Any purpose that is or may become obnoxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise or that is detrimental or injurious to the public health, safety or welfare or used for any purpose that constitutes unusual public hazard due to fire, explosion or any other similar cause.

C. The open dumping or burning of trash, garbage, rubbish or other waste products.

D. The housing and/or breeding of any animal, domesticated, feral or wild, not normally considered a family pet. See Chapter 141, Animals, of the Code of the City of Reading.

E. Notwithstanding any other provision of this chapter, no use may be made of any land or water within any zoning district that adversely affects the activity at the Reading Regional Airport.

§ 600-609. Similar uses.

The Zoning Hearing Board may, by special exception, determine that a proposed use is sufficiently similar in character and impact to that of a listed use and that the proposed use may be treated the same as the listed use. The applicant shall have the burden of proof to show that the proposed use would not be a threat to public health and safety and would not generate significant nuisances to adjacent residential areas. This provision shall only apply to a use that is not listed as being prohibited in the applicable district.

Part 7
Zoning Districts

§ 600-701. Districts.

The City of Reading is hereby divided into the following zoning districts and overlay zones:

A. Residential Districts.

(1) R-1A Residential.

(2) R-1 Residential.

(3) R-2 Residential.

(4) R-3 Residential.

(5) R-PO Residential-Professional Office.

B. Commercial Districts.

(1) C-C Commercial Core.

(2) C-R Commercial Residential.

(3) C-N Commercial Neighborhood.

(4) C-H Commercial Highway.

C. Manufacturing Districts.

(1) M-C Manufacturing Commercial.

(2) H-M Heavy Manufacturing.

D. P Preservation Zoning District.

E. FP Floodplain Overlay Zone.

F. Airport Overlay Zone.

G. RR Riverfront Redevelopment Overlay Zone.

H. Municipal Use District (MU).

I. P-S Penn Square Corridor Overlay Zone.

J. INS Institutional Overlay Zone.

K. Riparian Buffer Overlay District. **[Added 10-26-2015 by Ord. No. 57-2015]**

§ 600-702. Intent of districts.

The intended objectives of the various zoning districts are described as follows and shall be relied upon for interpretation and administration of this Part:

A. The Residential Districts are intended to provide sufficient area in appropriate locations for residential uses and development in an effort to meet the housing needs of the City without sacrificing desirable established residential patterns.

(1) The R-1A, R-1, R-2 and R-3 Residential Districts allow for varying residential densities. The R-1A and R-1 Districts preserve and enhance low-density areas composed of one-family detached dwellings on relatively large lots. The R-2 Medium Density District provides a variety of one-family detached, semidetached and attached dwellings. The R-3 District allows the highest residential densities and permits multifamily apartments.

(2) The Residential-Professional Office District provides for the controlled growth of professional offices along Kenhorst Boulevard between Lancaster Avenue and Pershing Boulevard, where similar uses are already in existence. The professional nature of the services provided shall have minimum impact on the neighboring residential districts.

B. The Commercial Districts are intended to provide sufficient area in appropriate locations for various forms and types of business uses and development; to satisfy the needs of modern business development by providing off-street parking, loading and unloading areas, safe and efficient means of vehicle ingress and egress, and compatible forms of business development; to encourage the development of attractive, functional and economic forms of commercial buildings under proper standards; to encourage the enhancement and beautification of commercial areas; and to minimize any negative effects of commercial areas on adjoining residential areas. Recognizing the mixed-use character of the City of Reading, it is intended that existing residential uses be permitted in commercial class districts in accordance with standards established for specified residential districts.

(1) The C-C Commercial Core District is the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity.

(2) The C-R Commercial Residential District provides for multifamily dwellings as well as offices, business services, consumer services and smaller retail stores that relate to the commercial core.

(3) The C-N Commercial Neighborhood District allows the continuation of pedestrian-oriented business establishments that feature convenience shopping and personal services for a smaller local residential market.

(4) The C-H Commercial Highway District includes locations along major roadways and are designed to allow for automobile-oriented businesses as well as high-intensity linear retail development.

C. The Manufacturing Districts are intended to provide suitable space for industrial and commercial types of business and development not ordinarily found nor desirable in commercial or neighborhood districts, to satisfy the needs for this type of development by providing for off-street parking and loading and unloading areas in the course of the development of attractive functional and economic forms of commercial and offices as well as industrial development; and to minimize any negative effects of industrial commercial areas on the adjoining residential areas. Recognizing the opportunity for adaptive reuse of existing manufacturing buildings and for reuse of vacant industrial lands for other purposes, it is the intent of this chapter that the Manufacturing-Commercial District permit

such adaptive reuse of industrial buildings for commercial enterprises and offices where existing buildings are appropriate for these uses. The manufacturing class districts are not intended to contain residences. In the event that there is an existing single-family detached or semidetached dwelling in a manufacturing class district, the expansion of said building for the establishment of accessory uses for said dwellings may be permitted, provided the proposal is in compliance with the minimum standards of any of the residential districts.

(1) The M-C Manufacturing Commercial District provides for light manufacturing and retail and wholesale sales and services.

(2) The H-M Heavy Manufacturing District provides for heavy manufacturing, warehousing, transportation and other commercial uses that are incompatible with less-intensive nonresidential uses.

D. The P Preservation District is designed to conserve the natural quality of land at, adjacent to, or near streams, ponds, lakes, watercourses or similar geologic features, including those geologic features that contain water only during times of extreme flooding. The Preservation District protects the habitat of wildlife in areas of little human intrusion, protects areas that environmentally are fragile because of soil structure, slope or type of vegetation or wildlife habitation, and protects places having unique natural, architectural or historic interest or value; to protect public buildings and public grounds. Development within the Preservation District shall prevent the blockage of stream valleys, minimize erosion, prevent the diversion of natural watercourses, and minimize flood-related damage in and around floodplain areas.

E. The FP Floodplain Overlay Zone is intended to reduce the loss of property and life, to minimize health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause increases in flood heights, velocities and frequencies; restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding; requiring all those uses, activities and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage; and protecting individuals from buying lands and structures that are susceptible to flood hazards.

F. The Airport Overlay Zone is designed to insure and promote the health, safety and welfare of the general public and property in and about the Reading Regional Airport, to protect the users, facilities and services of the airport, to prevent hazardous conditions to the users, facilities or services of the airport and to eliminate, remove, mitigate, mark or light any existing hazard which cannot be completely abated.

G. RR Riverfront Redevelopment Overlay Zone. This district recognizes an area of Reading that is uniquely situated compared to other areas of the City. This district allows optional types of future development and adaptive reuses consistent with such uniqueness. This area is also unique in terms of its size because it potentially includes over 20 acres of redevelopment land. This RR Overlay Zone is intended to:

(1) Promote redevelopment that enhances the Schuylkill Riverfront, in recognition of its value to the City, while making better use of underutilized lands.

(2) Promote appropriate mixtures of compatible uses that provide for a variety of employment opportunities and housing types, including mixtures of business and residential uses in the same building.

(3) Improve the public's access to the river and maximize the visibility of the riverfront.

(4) Allow persons to live, shop and work on the same tract of land, in order to reduce total vehicle traffic in the City and reducing commuting distances while promoting use of public transit.

(5) Carry out the purposes of the traditional neighborhood development (TND) and the purposes of the planned residential development (PRD) provisions of the State Municipalities Planning Code, 53 P.S. § 10101 et seq., which are hereby included by reference.

(6) Encourage new development to occur in a compact neighborhood-oriented manner that will be consistent with traditional patterns and scale of development, and that creates a sense of place.

(7) Promote housing that serves various types of households.

(8) Allow modification of certain requirements through the PRD process by the Planning Commission.

(9) Promote a pedestrian-orientation through the development that includes a mix of commercial and residential uses.

H. Municipal Use District (MU) is intended as a relatively isolated area, reserved for those uses and services traditionally provided by local governments, but whose associated nuisances, and/or security concerns warrant a separation, to the extent practical, from publicly accessible and occupied areas. Permitted-by-right uses within the Municipal Use District are those operated by the City of Reading, alone or in partnership with other government entities.

I. The P-S Penn Square Corridor Overlay Zone is intended to maintain the historic and pedestrian-friendly environment and promote retail and service businesses along key blocks of Penn Street in Center City Reading.

J. The INS Institutional Overlay Zone is intended to provide for the main campuses of colleges, universities, health-care facilities and certain other institutional uses. The intent is to allow greater flexibility and permitted by right approvals within the core campuses of institutions.

Part 8
Districts

§ 600-801. R-1A Residential District.

A. Dimensional requirements.[7]

B. Allowed uses.

(1) Permitted-by-right uses.

(a) Gardens, crop farming and forestry.

(b) One-family detached dwelling.

(c) Public parks, nature preserves and nonmotorized recreation trails.

(2) Accessory uses. In compliance with Part 10, unless otherwise noted.

(a) Animal shelters: maximum 25 square feet. No commercial use.

(b) Garages/carports: maximum 600 square feet floor area unless it meets principal building setbacks. **[Amended 2-14-2011 by Ord. No. 8-2011]**

(c) Greenhouses: maximum 280 square feet. No commercial use.

(d) Home occupations, minor: in compliance with § 600-1006.

(e) Storage sheds: maximum 280 square feet.

(f) Swimming pools, accessory: see also Chapter 180, Construction Codes, and § 600-1001. **[Amended 8-26-2013 by Ord. No. 35-2013]**

(g) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(h) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(i) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(3) Special exception uses. In compliance with § 600-1202.

(a) Home occupations, major: in compliance with § 600-1006.

(b) Bed-and-breakfast inns. **[Added 8-26-2013 by Ord. No. 35-2013]**

(4) Conditional use. In compliance with § 600-1203.

(a) Student home, which shall only be allowed in an existing lawful apartment dwelling.

C. Additional requirements.

(1) No development in this district requiring the removal of trees shall occur unless and until appropriate assurances are provided by the developer, backed by security

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7. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

acceptable to the City Solicitor, that all trees exceeding 10 feet in height, with trunks exceeding two inches in diameter, measured at four feet from ground level, will be replaced with trees of like type with a minimum height of six feet and minimum trunk diameter of two inches, measured six feet from ground level.

(2) A new principal building shall not be allowed if it will require the regrading of more than 3,000 square feet of land area that has a natural slope of greater than 25%.

§ 600-802. R-1 Residential District.

A. Dimensional requirements.[8]

B. Allowed uses.

(1) Permitted-by-right uses.

(a) Gardens, crop farming and forestry.

(b) One-family detached dwelling.

(c) Public parks, nature preserves and nonmotorized recreation trails.

(2) Accessory uses. In compliance with Part 10, unless otherwise noted.

(a) Animal shelters: maximum 25 square feet. No commercial use.

(b) Garages/carports: maximum 600 square feet. **[Amended 2-14-2011 by Ord. No. 8-2011]**

(c) Greenhouses: maximum 280 square feet. No commercial use.

(d) Home occupation, minor: in compliance with § 600-1006.

(e) Storage sheds: maximum 280 square feet.

(f) Swimming pools, accessory: see also Chapter 180, Construction Codes, and § 600-1001. **[Amended 8-26-2013 by Ord. No. 35-2013]**

(g) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(h) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(i) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(3) Special exception uses. In compliance with § 600-1202.

(a) Bed-and-breakfast inn.

(b) Home occupations, major: in compliance with § 600-1006.

(4) Conditional use. In compliance with § 600-1203.

(a) Student home, which shall only be allowed in an existing lawful apartment dwelling.

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8. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

C. Additional requirements. **[Added 2-14-2011 by Ord. No. 8-2011]**

(1) Each newly built or placed dwelling unit shall have:

(a) A minimum dwelling unit width and length of 18 feet; and

(b) A permanent foundation or an enclosure around the base of the dwelling that has the appearance of a permanent foundation.

(2) If a lot is to be served by a mound on-lot septic system that is a raised above the ground level, it shall be located outside of the required front and side yard setbacks, unless the applicant proves to the satisfaction of the Zoning Officer and Sewage Enforcement Officer that such placement is infeasible.

§ 600-803. R-2 Residential District.

A. Dimensional requirements.[9]

B. Allowed uses.

(1) Permitted-by-right uses.

(a) Gardens, crop farming and forestry.

(b) One-family detached dwelling.

(c) One-family semidetached dwelling.

(d) One-family attached dwelling.

(e) Public parks and nonmotorized recreation trails.

(2) Accessory uses. In compliance with Part 10, unless otherwise noted.

(a) Animal shelters: maximum 25 square feet. No commercial use allowed.

(b) Private garages/carports: maximum 600 square feet. See § 600-1002. **[Amended 2-14-2011 by Ord. No. 8-2011]**

(c) Greenhouses: maximum 280 square feet. No commercial use allowed. See § 600-1003.

(d) Home occupations: minor. See § 600-1006.

(e) Storage sheds: maximum 280 square feet. See § 600-1003.

(f) Swimming pools, accessory: see also Chapter 180, Construction Codes, and § 600-1001. **[Amended 8--26-2013 by Ord. No. 35-2013]**

(g) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(h) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(i) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

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9. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

(3) Special exception uses. In compliance with § 600-1202.

(a) Adaptive reuse: see § 600-1202A.

(b) Bed-and-breakfast inn.

(c) Cemeteries.

(d) College or university, which may include dormitories, fraternities, sororities and other student and/or staff residential uses, provided each residential use is: owned and/or operated by the college or university; and such residential uses are on lots of 50,000 square feet or greater. See also § 600-817, which includes alternative provisions within the INS Overlay Zone.

(e) Day-care homes as an accessory use: see § 600-1202.

(f) Home occupations, major: see § 600-1006.

(g) Life care retirement facility.

(h) Nursing home.

(i) Personal-care center.

(j) Places of worship.

(k) Municipal buildings.

(l) Public or private schools, not including dormitories.

(m) Swimming pool, as a principal use.

(4) Conditional uses. In compliance with § 600-1203.

(a) Group care home.

(b) Student home, which shall only be allowed in an existing lawful apartment dwelling.

C. 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.

D. A maximum of 60% of the land area between the front of each residential use and the street right-of-way line shall be used for vehicle parking and driveways. See also § 600-1602B regarding parking locations. **[Added 2-14-2011 by Ord. No. 8-2011]**

§ 600-804. R-3 Residential District.

A. Dimensional requirements.[10]

B. Allowed uses.

(1) Permitted-by-right uses.

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10. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

(a) Gardens, crop farming and forestry.

(b) One-family detached dwelling.

(c) One-family semidetached dwelling.

(d) One-family attached dwelling (townhouse).

(e) Low-rise apartments, with a maximum density of 1,500 square feet of lot area per dwelling unit, but not including a "conversion" which is addressed in Subsection B(3) below.

(f) Public parks and nonmotorized recreation trails.

(g) Surface parking area as a principal or accessory use, provided it serves a use allowed in the R-3 District and does not serve the general public. See also § 600-1008.

Note: in the R-3 District, student homes shall be allowed in any lawful dwelling without needing to meet the additional requirements of § 600-1203.

(2) Accessory uses. See Part 10 unless otherwise noted.

(a) Animal shelters: maximum 25 square feet. No commercial use allowed.

(b) Private garages/carports: maximum 600 square feet. **[Amended 2-14-2011 by Ord. No. 8-2011]**

(c) Greenhouses: maximum 280 square feet. No commercial use allowed.

(d) Home occupations, minor: see § 600-1006.

(e) Storage sheds: maximum 280 square feet.

(f) Swimming pools, accessory: see also Chapter 180, Construction Codes. **[Amended 8-26-2013 by Ord. No. 35-2013]**

(g) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(h) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(i) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(3) Conditional uses. In compliance with § 600-1203.

(a) Conversions: shall also meet Subsection C(4) below.

(b) Group-care home.

(c) Public utilities.

(4) Special exception uses. In compliance with § 600-1202.

(a) Adaptive reuse.

(b) Bed-and-breakfast inn.

(c) Cemeteries.

(d) College or university, which may include dormitories, fraternities, sororities, and other full-time student and/or staff residential uses, provided that each residential use is: owned and/or operated by the college or university; and such residential uses are on a lot of 50,000 square feet or greater. See also § 600-817, which includes alternative provisions within the INS Overlay Zone.[11]

(e) Day-care facilities.

(f) Home occupations, major: in compliance with § 600-1006.

(g) Life care retirement facility.

(h) Mid-rise apartments, with a maximum density of 1,500 square feet of lot area per dwelling unit, which may be decreased to 1,000 square feet if all units (other than a manager) are limited to occupancy by persons age 62 or older and the physically disabled.

(i) Municipal buildings.

(j) Nursing homes.

(k) Personal-care centers.

(l) Places of worship.

(m) Public or private schools, not including dormitories swimming pool, as a principal use.

(n) Parking garage to serve a use allowed in the R-3 District.

C. Additional requirements in the R-3 District.

(1) If an existing rear or side alley is available or could be feasibly extended, it shall be used for access to off-street parking spaces and/or garage door(s) for the lot instead of a front yard driveway and/or a front garage door(s).

(2) This subsection is mainly designed to address situations where use of a rear or side alley is not feasible. If two or more side-by-side off-street parking spaces are located in the front yard of a single-family attached dwelling (townhouse) or if garage door(s) for two or more vehicles face onto the street in the front of the single-family attached dwelling (townhouse), then the minimum building width per dwelling along such street shall be a minimum of 24 feet.

(3) A maximum of 60% of the land area between the front of each residential use and the street right-of-way line shall be used for vehicle parking and driveways. See also § 600-1602B regarding parking locations. **[Amended 2-14-2011 by Ord. No. 8-2011]**

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11. Editor's Note: For a new or expanded building housing students, a 40 feet minimum building setback shall apply from the lot line of every dwelling that is not owned by the college or university.

(4) 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.

§ 600-805. (Reserved)

§ 600-806. R-PO Residential/Professional Office District.

A. Dimensional requirements.[12]

B. Allowed uses.

(1) Permitted-by-right uses.

(a) Residential uses: the same uses shall be allowed as are allowed in the R-2 District.

(b) Gardens, crop farming and forestry.

(c) Offices[13] (such as but not limited to the following: health care professionals, physicians, dentist, oral surgeon, orthodontist, periodontist, osteopath, chiropractor, physical therapist, psychologist, podiatrist, optometrist, lawyer, accountant, real estate broker, financial consultant, mortgage/financial businesses).

(d) Fire and ambulance station.

(e) Home occupations, minor, in accordance with § 600-1006.

(f) Public parks and nonmotorized recreation trails.

(2) Accessory uses.

(a) See Part 10 unless otherwise noted.

[1] Garages/carports: maximum 600 square feet. **[Amended 2-14-2011 by Ord. No. 8-2011]**

[2] Storage sheds: maximum 280 square feet.

(b) The following uses shall be permitted only on properties primarily used for residential purposes:

[1] Animal shelters: maximum 25 square feet and with no commercial use allowed. **[Amended 8-26-2013 by Ord. No. 35-2013]**

[2] Greenhouses: maximum 280 square feet and with no commercial use allowed.

[3] Swimming pools, accessory: see Chapter 180, Construction Codes. **[Amended 8-26-2013 by Ord. No. 35-2013]**

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12. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

13. NOTE: With on-street parking permitted for up to three employees. Should there be four or more employees, the following off-street parking requirement shall apply: one space per each 150 square feet of floor area.

(c) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(d) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(e) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(f) Roof-mounted wind turbines. **[Added 10-26-2015 by Ord. No. 58-2015]**

(3) Special exception uses. Pursuant to § 600-1202.

(a) Day-care facilities.

(b) Home occupations, major: see § 600-1006.

(c) Place of worship.

§ 600-807. C-C Commercial Core District.

A. Dimensional requirements.[14]

B. Allowed uses.

(1) Permitted-by-right uses: **[Amended 8-26-2013 by Ord. No. 35-2013]**

High-rise apartments[1]

Movie theaters and performing arts facilities

Low-rise or mid-rise apartments[1]

One-family attached dwellings (townhouses) or one-family semidetached dwellings meet the regulations of the R-3 District gardens, crop farming and forestry

Amusement arcade

Municipal building

Passenger bus or train terminal

Public parking garages and parking lots that are owned/or operated by a City-authorized parking authority or another governmental entity. A new parking garage with a street frontage of more than 100 feet shall include at least one street-level commercial use.

Nonpublic parking garages and parking lots that serve a use located within the C-C District, as opposed to being available to the general public. If such parking involves 10 or more new parking spaces, then special exception approval shall be required. As a criteria of special exception approval, the applicant shall show that the parking: (a) will not cause a loss of a significant historic building; (b) will not create a serious traffic congestion or a traffic hazard for pedestrians; and (c) will include suitable landscaping between the parking and a public sidewalk. See also Subsection C below. A new parking garage with a street frontage of more than 100 feet shall include at least one street-level commercial use.

Bakeries (limited to 2,000 square feet production floor area) and retail sale of baked goods

Bank and other financial institutions, which may include drive-through facilities

Business and printing services

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14. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

Civic/convention center and sports arena

College or university, other than residential uses

Conversion of existing building space into one or more dwelling units, which shall meet the requirements listed for "conversions" in § 600-1203D, even though the use is not a conditional use. Such conversion shall only be allowed if the lot includes at least one street level principal business establishment.

Creation and retail sales of art and crafts items, which may include multiple vendors

Dry cleaners (limited to 2,000 square feet of service/production area)

Fire and ambulance station

Fitness centers/exercise clubs

Funeral homes

Hotels, motels and bed-and-breakfast inns

Offices

Personal services, such as barber or beauty shop (see § 600-1103), tailors, nail salons (see § 600-1103) and certified massage therapy (see § 600-1103), and not including a massage parlor

Photo-finishing services

Radio and television stations

Recreational facilities, public parks and nonmotorized recreation trails

Restaurants (eat-in or takeout) which may include entertainment but shall not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.

Retail stores

Small appliance sales, repair and service stores

Social clubs and associations (non-PLCB licensed), which shall not be allowed fronting on Penn Street between 2nd Street and 6th Street and which shall not operate between 12:00 midnight and 11:00 a.m. For any use that also meets the definition of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met.

Trade, vocational and hobby schools, not including residential uses

NOTE:

[1] The street-level floor shall include at least one principal business establishment.

(2) Accessory uses. See Part 10 unless otherwise noted.

(a) Amusement devices: pursuant to § 600-1010 of this chapter.

(b) Entertainment: pursuant to § 600-1005.

(c) Home occupations, major or minor: see § 600-1006.

(d) Storage as an accessory use to a use located within the C-C District.

(e) Roof-mounted wind turbines. **[Added 10-26-2015 by Ord. No. 58-2015]**

(f) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(g) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(h) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(3) Conditional uses. See § 600-1203.

(a) Banquet hall.

(b) Gaming facility.

(c) Taverns and nightclubs.

(4) Special exception uses. Pursuant to § 600-1202 of this chapter.

(a) Day-care facilities.

(b) Dormitory or other residential uses owned or operated by a college or university, other than permitted-by-right dwelling units that are occupied by a "family."

(c) Place of worship.

C. Additional requirements in the C-C District.

(1) Retail uses shall not extend into the public right-of-way, except as may be specifically approved under another City ordinance.

(2) Drive-through services shall only be permitted as accessory to financial institutions. A drive-through facility shall not have an entrance or exit onto Penn Street.

(3) Height requirements.

(a) Structures may be increased in height up to 175 feet by special exception, provided the applicant provides an analysis to show that the additional height will allow sunlight to reach the street during midday hours, considering any proposed setbacks and an analysis of how the building will be set back from windows of existing adjacent buildings to provide compatibility.

(4) See parking requirements in § 600-1603.

(5) A building shall not have a street-level building wall longer than 50 feet unless such wall is interspersed with a window or door at least every 50 feet, artistic displays, changes in building setback or rooflines of more than three feet variation, and/or architectural features.

(6) (Reserved)[15]

(7) A principal or accessory parking lot or parking garage shall not be allowed that is open to the general public, unless the structure is owned and/or operated by the City, Berks County, another governmental entity, or a City-authorized parking authority.

§ 600-808. C-R Commercial Residential District.

15. Editor's Note: Former Subsection C(6), regarding wind turbines, was repealed 10-26-2015 by Ord. No. 58-2015.

A. Dimensional requirements.[16]

B. Allowed uses.

(1) Permitted-by-right uses.

(a) The same residential uses shall be allowed as are allowed in the R-3 District.

(b) High-rise apartments, provided at least one principal business establishment required to be located on the street level.

(c) Bakeries (limited to 2,000 square feet production floor area) and retail sale of baked goods.

(d) Drive-through services shall only be permitted as accessory to a financial institution or a pharmacy.

(e) College or university, provided that any residential uses shall meet the requirements for that type of residential use.

(f) Conversion of existing building space into one or more dwelling units, which shall meet the requirements listed for "conversions" in § 600-1203D, even though the use is not a conditional use. Such conversion shall only be allowed if the lot includes at least one street-level principal business establishment.

(g) Exercise clubs and fitness centers.

(h) Fire and ambulance station.

(i) Funeral homes.

(j) Gardens, crop farming and forestry.

(k) Movie theaters/performing arts facilities.

(l) Municipal buildings.

(m) Nursing homes or personal-care centers.

(n) Offices, clinics and laboratories.

(o) Parking garages and lots. See also § 600-1008 for off-premises parking.

(p) Personal services, such as barber or beauty shop (see § 600-1103), tailors, nail salons (see § 600-1103) and certified massage therapy (see § 600-1103), and not including a massage parlor.

(q) Radio and television stations.

(r) Recreational facilities, public parks and nonmotorized recreation trails.

(s) Restaurants (eat-in or takeout) without entertainment and without drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.

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16. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

(t) Retail stores, with drive-through facilities limited to a pharmacy, and with vehicle fuel sales and vehicle sales being prohibited.

(u) Small appliance sales, repair and service shops.

(v) Social clubs and associations (non-PLCB licensed), provided such use shall not be open between 12:00 midnight and 11:00 a.m. For any use that also meets the definition of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met, and provided there is a 5,000 square feet minimum lot area. **[Amended 2-14-2011 by Ord. No. 8-2011]**

(w) Trade, vocational and hobby schools, not including residential uses, and provided there is not exterior use of heavy equipment or heavy machinery in connection therewith.

(2) Accessory uses. See Part 10, unless otherwise noted.

(a) Amusement devices pursuant to § 600-1010 of this chapter.

(b) Entertainment pursuant to § 600-1005 of this chapter.

(c) Home occupations, major or minor, see § 600-1006.

(d) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(e) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(f) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(3) Conditional uses. All uses listed below shall be pursuant to § 600-1203 of this chapter.

(a) Banquet hall.

(b) Boarding houses.

(c) Group-care facility.

(d) Public utilities.

(e) Taverns and nightclubs.

(f) Temporary shelter.

(g) Group-care facility.

(4) Special exception uses. All uses listed below shall be pursuant to § 600-1202 of this chapter.

(a) Adaptive reuse.

(b) Amusement arcade.

(c) Day-care facilities.

(d) Life care retirement facility.

(e) Primary or secondary school, public or private.

(f) Hospital.

(g) Places of worship.

C. Additional requirement in the C-R District.

(1) A drive-through facility shall not have an entrance or exit onto Penn Street.

§ 600-809. C-N Commercial Neighborhood District.

A. Dimensional requirements.[17]

B. Allowed uses.

(1) Permitted-by-right uses:

(a) Residential uses: the same residential uses shall be allowed as are allowed in the R-3 District.

(b) Bakery.

(c) Banking and financial institutions, which may include drive-through service.

(d) Convenience stores, with fuel sales only allowed as a conditional use.

(e) Day-care home, provided that a maximum of four persons shall be cared for (in addition to sons or daughters of the caregiver) on a residential lot of less than 2,500 square feet. If a day-care home is proposed on a residential lot, it shall also meet the provisions of § 600-1202D(1). **[Amended 2-14-2011 by Ord. No. 8-2011]**

(f) Drugstores, which may include drive-through service.

(g) Dry cleaners, self-service laundries (limited to 2,000 square feet of service/production area).

(h) Exercise clubs.

(i) Fire and ambulance station.

(j) Funeral home.

(k) Gardens, crop farming and forestry.

(l) Home occupations, major or minor: see § 600-1006.

(m) Municipal buildings.

(n) Offices.

(o) Nursing homes or personal-care centers.

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17. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

(p) Parking lots other than parking areas that primarily serve tractor-trailer trucks.

(q) Personal services, such as barber or beauty shop (see § 600-1103), tailors, nail salons (see § 600-1103) and certified massage therapy (see § 600-1103), and not including a massage parlor.

(r) Recreation facilities, public parks and nonmotorized recreation trails.

(s) Restaurants (eat-in and takeout), but not including drive-through service, provided that such uses shall not be developed in a building is attached to a principally residential building on another lot that is not in common ownership. This use shall not allow outdoor sale of ready-to-eat food on a regular basis on a lot that is not operated from a building on the lot.

(t) Retail stores without drive-through service, provided that such uses shall not be developed in a building is attached to a principally residential building on another lot that is not in common ownership.

(u) Self-storage facilities.

(v) Small appliance sales, service and repair shops.

(w) Storage or warehousing as a principal or accessory use.

(x) Wholesale sales.

(2) Accessory uses. In compliance with Part 10, unless otherwise noted. **[Added 10-26-2015 by Ord. No. 58-2015[18]]**

(a) Geothermal heat pumps.

(b) Solar energy systems.

(c) Water-powered energy systems.

(3) Conditional uses: pursuant to § 600-1203.

(a) Banquet hall.

(b) Taverns and nightclubs, provided that such uses shall not be developed in a building that abuts a principally residential lot unless the lots are in common ownership.

(c) Vehicle fuel sales, which shall only be allowed if the applicant proves the use will be designed to avoid conflicts with pedestrian travel and to provide compatibility with adjacent uses, and provided the use is not adjacent to a principally residential lot.

(4) Special exception uses:

(a) Day-care facilities, other than day-care homes.

(b) Adaptive reuse in compliance with § 600-1202.

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18. Editor's Note: This ordinance also redesignated former Subsection C(2) and (3) as Subsection C(3) and (4), respectively.

(c) Amusement arcade.

§ 600-810. C-H Commercial Highway District.

A. Dimensional requirements.[19]

B. Allowed uses.

(1) Permitted-by-right uses: **[Amended 2-14-2011 by Ord. No. 8-2011; 8-26-2013 by Ord. No. 35-2013]**

Banks and financial institutions, including drive-through

Beverage distributors, beer and soft drinks

Car wash

College or university, not including residential uses, unless such dwellings meet the requirements for a dwelling occupied by a "family"

Convenience stores, with or without auto fuel sales

Emergency health-care facility/office

Exercise clubs

Fire and ambulance station

Funeral homes

Gardens, crop farming and forestry

Home and garden supply centers

Laundromats

Miniature golf course

Motels and hotels

Municipal uses

Nursing homes or personal-care centers

Offices

Parking lots and structures

Passenger terminal facilities

Personal service businesses

Radio and television stations

Recreational facilities, public parks and nonmotorized recreation trails

Residential uses: the same residential uses shall be allowed as are allowed in the R-3 District

Restaurants, including eat-in, takeout, drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.

Retail stores which may include drive-through facilities

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19. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

Social clubs and associations, PLCB and non-PLCB licensed. Such use shall not be open between the hours of 12:00 midnight and 11:00 a.m. For any use that also meets the definition of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met.

Taxi headquarters

Temporary employment agencies and service

Vehicle sales or rental

Veterinary hospitals

Wholesale sales and services

(2) Accessory uses. See Part 10 unless otherwise noted.

(a) Amusement devices: pursuant to § 600-1010 of this chapter.

(b) Drive-through services: pursuant to § 600-1004 of this chapter.

(c) Entertainment: pursuant to § 600-1005.

(d) Home occupations, major or minor: see § 600-1006.

(e) Off-site parking areas: pursuant to § 600-1008.

(f) Telecommunications antenna: see § 600-2106C(3).

(g) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(h) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(i) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(j) Roof-mounted wind turbines. **[Added 10-26-2015 by Ord. No. 58-2015]**

(3) Conditional uses. In compliance with § 600-1203.

(a) Banquet hall.

(b) Bottle clubs.

(c) Group institution.

(d) Public utilities.

(e) Taverns and nightclubs.

(f) Treatment center.

(4) Special exception uses. In compliance with § 600-1202.

(a) Adaptive reuse.

(b) Amusement arcade.

(c) Auto service stations or auto repair.

(d) Day-care facilities.

(e) Manufactured/mobile home park.

(f) Pawn shop.

(g) Place of worship.

(h) Surface parking facility.

(i) Telecommunications towers and facilities pursuant to Part 21 of this chapter.

(j) Vehicle fuel sales.

§ 600-811. M-C Manufacturing Commercial District.

A. Dimensional requirements.[20]

B. Allowed uses.

(1) Permitted-by-right uses. **[Amended 2-14-2011 by Ord. No. 8-2011]**

Manufacture or industrial processing within an enclosed building involving the following: (as listed on the North American Industrial Classification System, as applicable)

Assembly and packaging

Electronic and electrical equipment

Fabricated metals products

Food and beverage products

Leather and leather products (not including curing, tanning and finishing of hides)

Machinery

Medical and scientific equipment and related products

Motor freight transportation and warehousing

Non-PUC telecommunications facilities

Paper and allied products (other than raw paper pulp)

Petroleum and coal products, other than asphalt manufacture or petroleum refining

Pottery and ceramics

Primary metals industries

Railroad transportation

Research and development facilities

Rubber, synthetic rubber, resins and miscellaneous products

Sporting goods, toys, jewelry

Stone, clay and glass products

Textiles and apparel

Tobacco products

Transportation equipment

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20. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

Transportation and public utilities

Wood products and furniture

Auto repair and car washes, in compliance with § 600-1105

Banks and financial institutions

College or university, not including residential uses

Convenience stores with fuel sales

Employee agencies and services

Exercise club

Fire and ambulance stations

Flex space buildings that include one or more permitted-by-right business uses

Gardens, crop farming and forestry

Lumber and building material supply center, retail or wholesale

Municipal uses

Offices and medical laboratories

Radio and television stations

Recreation facilities, public parks and nonmotorized recreation trails

Restaurants, which may not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.

Retail and wholesale sales and services

Self-storage facilities

Swimming pool as principal use

Taxi headquarters

Telecommunications towers and facilities, pursuant to Part 21 of this chapter. Facilities may be placed on a leased area.

Trade, vocational and hobby schools, not including residential uses

Vehicle sales or rental

Warehouse, distribution and storage facilities

(2) Accessory uses. See Part 10, unless otherwise noted.

(a) Drive-through services for allowed principal uses: pursuant to § 600-1004 of this chapter.

(b) Entertainment: pursuant to § 600-1005 of this chapter.

(c) Swimming pools, accessory.

(d) Telecommunications antenna: see § 600-2106C(3).

(e) Wind turbine as an accessory use in compliance with § 600-1012.

(f) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(g) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(h) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(i) Freestanding or roof-mounted wind turbines. **[Added 10-26-2015 by Ord. No. 58-2015]**

(3) Conditional uses. In compliance with § 600-1203.

(a) Banquet hall.

(b) Public utilities, other than City-owned or City-operated uses and other than utility lines.

(c) Taverns and nightclubs.

(4) Special exception uses. In compliance with § 600-1202.

(a) Day-care facilities.

(b) Kennels.

(c) Manufacture or industrial processing of chemicals and allied products.

(d) Manufacture of plastics and polymers.

C. Additional requirements.

(1) A minimum of 10% of the lot shall be devoted to areas landscaped with trees and shrubs and vegetative ground cover. This area shall not be used for any other purpose.

(2) All activities shall take place indoors; all outdoor storage shall be screened from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.

(3) Landscaped buffer strips, meeting Part 14 with a minimum of 10 feet wide in M-C Zones and 25 feet wide in H-M Zones, and plant screening shall be provided in every case where an industrial use abuts a principally residential use. In addition, where a residential district is located across a street or alley from a new or expanded industrial use, a ten-foot wide landscaped buffer strip shall be provided alongside such street or alley along such adjacent front, side or rear lot line.

(4) Truck loading and unloading areas shall be provided in an amount sufficient to permit the transfer of goods in other than a public street or front yard setback areas.

(5) Entrance and exit to permitted uses shall be clearly marked.

(6) Any glare, vibration or noise resulting from the use shall not be evident beyond the boundaries of the zoning district.

(7) The operation shall not result in the dissemination of smoke, dust, chemicals or odors into the air to such a degree as to be detrimental to the health, safety and welfare of any adjacent residents.

(8) (Reserved)[21]

(9) A minimum seventy-five-foot setback shall apply from the average water level of the Schuylkill River for any new or expanded vehicle parking, outdoor storage area or building. This requirement shall not apply for recreational uses open for free for use by the general public.

§ 600-812. H-M Heavy Manufacturing District.

A. Dimensional requirements.[22]

B. Allowed uses.

(1) Permitted-by-right uses:

(a) Manufacturing or industrial processing involving the following: (as listed in the North American Industrial Classification System, where applicable)

[1] Assembly and packaging.

[2] Electronic and electrical equipment.

[3] Fabricated metals products.

[4] Food and beverage products.

[5] Instruments and related products.

[6] Leather and leather products.

[7] Machinery.

[8] Paper and allied products.

[9] Petroleum and coal products, other than asphalt.

[10] Primary metals industries.

[11] Railroad transportation.

[12] Rubber, synthetic rubber, resins and miscellaneous products.

[13] Stone, clay and glass products.

[14] Textile and apparel products.

[15] Tobacco products.

[16] Transportation equipment.

[17] Transportation and public utilities.

[18] Wood products and furniture.

(b) Banks and financial institutions.

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21. Editor's Note: Former Subsection C(8), regarding wind turbines, was repealed 10-26-2015 by Ord. No. 58-2015.

22. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

(c) College or university, not including residential uses.

(d) Exercise clubs.

(e) Fire and ambulance station.

(f) Flex space buildings, including two or more permitted business uses.

(g) Gardens, crop farming and forestry.

(h) Landing area for a helicopter, provided it meets requirements of State and Federal Aviation Agencies.

(i) Municipal uses.

(j) Offices.

(k) Radio and television stations.

(l) Recreation facilities, public parks and nonmotorized recreation trails.

(m) Research and development facilities.

(n) Self-storage facilities.

(o) Telecommunications facilities other than towers and antennas. Lot size may be reduced to 2,500 square feet when on leased parcel, provided the structure may not be located in setback areas.

(p) Telecommunications towers and antennas pursuant to Part 21 of this chapter. For accessory antenna, see § 600-2106C(3).

(q) Trade, vocational and hobby schools, not including residential uses.

(r) Warehousing, storage, distribution, trucking or intermodal transfer facilities.[23]

(2) Conditional uses. See § 600-1203.

(a) Group institution.

(b) Junkyard.

(c) Manufactured home parks.

(d) Massage parlor (not including "massage therapy"), which shall meet the same regulations as a sexually oriented business, in addition to the City of Reading Code requirements.

(e) Sexually oriented business: pursuant to § 600-1203.

(f) Temporary shelter.

(g) Treatment center.

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23. Editor's Note: Former Subsection B(1)(s), regarding wind turbines, which immediately followed this subsection, was repealed 10-26-2015 by Ord. No. 58-2015.

(3) Special exception uses:

(a) Manufacture of plastics and polymers.

(b) Manufacture and industrial processing of chemicals and allied products.

(c) Manufacture of asphalt.

(d) Solid waste transfer facility.

(e) Such other manufacturing and industrial uses as the applicant proves to the satisfaction of the Zoning Hearing Board will be similar to allowed uses and will not create hazards to public health and safety.

(4) Accessory uses. In compliance with Part 10, unless otherwise noted. **[Added 10-26-2015 by Ord. No. 58-2015]**

(a) Freestanding or roof-mounted wind turbines. **[Added 10-26-2015 by Ord. No. 58-2015]**

(b) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(c) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(d) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

C. Additional requirements. Section 600-811C shall also apply to the H-M District.

§ 600-813. P Preservation District.

A. Dimensional requirements.[24]

B. Allowed uses.

(1) Permitted-by-right uses:

(a) Bicycle and/or watercraft rentals, and boat-launching facilities.

(b) Gardens, crop farming and forestry.

(c) Nature preserves, nonmotorized recreation trails or similar recreation facilities, provided that a setback shall not apply for a nonmotorized recreation trail or related fencing.

(d) Offices, cultural centers, visitors centers, arts exhibition areas or museums within a building that existed prior to the adoption of this chapter.

(e) Public parks and playgrounds and public recreation buildings.

(f) Public water and sewage treatment facilities.

(g) Public water and sewer drainage facilities.

(2) Accessory uses. See Part 10, unless otherwise noted.

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24. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

(a) Greenhouses: maximum 280 square feet with no commercial use.

(b) Parking facilities that are accessory to the principal use located on the same lot, provided the parking lot shall be screened by vegetation to filter views from beyond the lot, except through required means of access.

(c) Storage sheds or pavilions: maximum 280 square feet of floor area.

(d) Geothermal heat pumps. **[Added 10-26-2015 by Ord. No. 58-2015]**

(e) Solar energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

(f) Water-powered energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

§ 600-814. P-S Penn Square Corridor Overlay Zone.

Within the P-S Overlay Zone, the same regulations shall apply as apply within the C-C District, except for the following:

A. The street-level floor area abutting Penn Street for a depth from the front of the building of at least 60 feet shall not be occupied by any of the following uses:

(1) Day-care facilities.

(2) Dwelling units, dormitories or other residential uses.

(3) Storage.

(4) Places of worship.

(5) Pawn shops.

(6) Surface off-street parking spaces or off-street truck loading spaces or docks.

(7) Social clubs, private clubs, bottle clubs and bring-your-own-beverage clubs.

B. No new vehicle entrances or exits shall be allowed directly onto the 200, 300, 400 or 500 blocks of Penn Street, except that the City may approve the relocation of an existing entrance or exit.

C. The P-S Overlay Zone shall apply to lots that abut Penn Street between Second Street and Sixth Street.

§ 600-815. RR Riverfront Redevelopment Overlay Zone.

A. Boundary. The RR District is hereby established, which shall include the geographic area shown on Exhibit A,[25] which is considered to be part of the Zoning Map.

B. Applicability and phasing.

(1) The RR Overlay Zone is an optional zoning district that overlays the underlying zoning district. An applicant shall have the option of developing property under the RR District or under the underlying district. Once a final planned residential

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25. Editor's Note: Exhibit A is on file in the City office.

development (PRD) plan is approved under the RR District, such land shall be developed under the RR District provisions and not the underlying zoning district, unless the Planning Commission approves a zoning application to abandon the PRD approval, after the applicant has provided notice in writing to the Zoning Officer and the Planning Office.

(a) Until such time as development is underway within a phase of development that was granted final PRD approval, uses shall be allowed under the regulations of the underlying zoning district. Once a final PRD plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the RR Overlay Zone shall be allowed, provided that other lawful preexisting uses may be continued as nonconforming uses.

(2) Development in the RR Overlay Zone shall first require tentative and then final approval as a planned residential development (PRD). The PRD approval process replaces the conventional subdivision and land development approval process. Once a PRD has been granted final approval by the City Planning Commission, then individual uses allowed in the RR Overlay Zone shall be permitted by right, provided they are consistent with the approved PRD plan. If uses or development are proposed that are inconsistent with the approved PRD plan, then the proposed PRD plan revisions shall first be approved by the Planning Commission.

(3) The provisions of this RR Overlay Zone shall only be available to be utilized if the "total area of the tract" is greater than 10 acres in common ownership or common equitable ownership at the time of tentative PRD plan submission. For the purposes of the RR Overlay Zone, a tract may include lots that are separated from each other by a street, a railroad, a park, or an alley.

(a) Once a final PRD plan has been approved, then individual buildings may be undertaken by various entities, provided there is overall compliance with the final PRD approval and provided there is compliance with the City-approved phasing plan and a development agreement that have been approved by the City.

(b) See additional phasing provisions in Subsection F below.

C. Use regulations. Within the RR Overlay Zone, land and/or structures may be used for any of the following permitted-by-right uses listed below and be combined together in one or more buildings, provided final PRD approval has been previously granted.

(1) Single-family detached dwellings.

(2) One-family semidetached dwellings or duplex dwelling.

(3) Apartment/multifamily dwellings, which may include mid-rise or high-rise apartments, provided the height requirement is met.

(4) One-family attached dwellings (townhouses).

(5) Adaptive reuse of a building to convert building space into dwelling units and/or to increase the number of dwelling units, provided the density requirements of this section are met.

(6) Amusement arcade.

(7) Bed-and-breakfast inn.

(8) Surface, underground or structured parking areas as an accessory or principal use, provided that the area of surface parking lots shall not comprise more than 50% of the total area of all lots within the tract, and provided that underground parking shall not be allowed within the one-hundred-year floodplain.

(9) Business services, which may include but is not limited to photocopying and custom printing.

(10) Catering, preparation of food for.

(11) Telecommunications tower/antenna that are attached to a building and that extend less than 25 feet above a principal building.

(12) Custom crafts, manufacture and sale of (such as jewelry and handicrafts), or artisan's studio, or retail craft shops such as, but not limited to, artisan shops, glass blower shops, ceramic tile maker shops.

(13) Exercise club or fitness facility.

(14) Financial institution (which includes a bank but which does not include a check-cashing establishment or pawn shop, each of which shall be considered a retail store).

(15) Hotel or motel, which may include a restaurant and conference center.

(16) Massage therapy by a trained person certified by a recognized professional organization, not including a sexually oriented business.

(17) Newspaper publishing and printing.

(18) Offices of business, institution, profession, medical, or similar entity (see also "home occupation").

(19) Personal services [such as barber and beauty shops (see § 600-1103), nail salons (see § 600-1103), laundry and dry cleaning pickup and delivery, and closely similar uses].

(20) Recreation, commercial, indoor or outdoor, other than an outdoor motor vehicle race track.

(21) Restaurant, which may include entertainment, provided that drive-through service shall be prohibited.

(22) Municipal buildings and uses and other governmental facilities, but not including prisons, other correctional facilities and solid waste facilities.

(23) Retail store(s), which may include but is not limited to a supermarket or a farmers market, but not including an adult business.

(24) Tavern or nightclub, which may include a brew pub that manufactures alcoholic beverages for on-site and off-site sale.

(25) Theaters (not including a "sexually oriented business"), performing arts facilities, civic and/or cultural facility, arena, museum, canal, amusement park, water park, aquarium, sports stadium, gymnasium or auditorium.

(26) Trade school or similar educational institution.

(27) Veterinarians, other than kennel.

(28) Research and development, engineering or testing facility or laboratory.

(29) Adult day-care center.

(30) Day-care facilities, which may also include nursery school, preschool or "head start" program center.

(31) College or university, which may include dormitories or residence halls for full-time students and staff.

(32) Museum or visitor's center, and which include accessory retail sales.

(33) Nursing home or personal-care/assisted-living home or congregate care housing retirement community.

(34) Community center or resident/employee recreation center, nonprofit.

(35) Social club meeting facilities.

(36) Public park, playground or other publicly owned or publicly operated recreation facilities or noncommercial outdoor recreation areas, or nonmotorized recreation trails.

(37) Boat dock, wharf or marina.

(38) Swimming pools, public or private.

(39) Bus stops, bus passenger shelters and taxi waiting areas.

(40) Indoor vending and amusement machines, not including gambling machines.

(41) Public utilities meeting § 600-1203, including, but not limited to, electric substations and sanitary sewage facilities, but not including vehicle garages, warehouses, storage yards or freestanding commercial communications towers.

(42) Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use.

(43) Community special event facilities, which may include tents, awnings and displays.

(44) Family child-care home.

(45) Group child-care home or child day-care as a principal use.

(46) (Reserved)

(47) Minor home occupations meeting § 600-1006. If a dwelling unit is designated on the final PRD plan as being a "live/work unit," then the requirement that the home occupation area is limited to 25% of the dwelling unit floor area may be increased to 50%.

(48) Sales or rental office, which may include model units, provided that any temporary modular sales/rental building shall be limited to use during the first year of construction.

(49) Warehousing as an accessory use to the permitted principal use of the lot, provided the warehousing does not occupy more than 25% of the floor area of the building.

(50) Places of worship.

(51) Private or public primary or secondary school.

D. Site layout and dimensional regulations.

(1) The following area, yard and building regulations shall apply for all uses approved within a PRD, whichever is most restrictive:

(a) Maximum residential density: 75 dwelling units/acre.[26]

(b) Minimum lot area: 10,000 square feet, provided that 1,600 square feet for townhouses and for commercial uses fronting upon a pedestrian-oriented commercial street.

(c) Minimum lot width: 50 feet, provided that 20 feet shall be allowed for townhouses and commercial uses fronting upon a pedestrian-oriented commercial street.[27]

(d) Minimum building setback for a new building from an abutting lot line at the perimeter of the tract: 15 feet, except a minimum of 30 feet from a residential district boundary for a building of greater than 40 feet in height.

(e) Minimum front yard setback: zero feet.

(f) Minimum rear yard setback: zero feet.

(g) Minimum side yard setback: zero feet.

(h) Maximum building coverage: 80%.[28]

(i) Maximum building height: 140 feet, except 200 feet for portions of buildings that are more than 200 feet from a principally residential lot that is outside of the PRD.

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26. NOTE: The maximum residential density shall be based upon the total area of the tract, before the deletion of rights-of-way of proposed streets and before the deletion of open space. Dwelling units may be located within the same building as allowed nonresidential uses, provided such mixture of uses is consistent with the tentative PRD plan.

27. NOTE: Individual uses or buildings may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements if individual lot lines had been established.

28. NOTE: The maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. Underground parking that is covered by vegetation or a pedestrian plaza shall not count as building area for the purposes of this section. The City may require that certain lots include a deed restriction limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time. For each 1,000 square feet of building floor area that achieves certification or a higher level under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, an additional 300 square feet of building coverage shall be allowed above the maximum.

(j) Buffer yard required: no, except an eight-foot wide buffer yard shall be required if a preexisting principal dwelling in a residential district is adjacent or across a street or alley from a new principal business use and such dwelling is not within the RR Overlay Zone.

(k) Site plan review by City Planning Commission: yes.

(l) Riverfront building setback: minimum of 50 feet from the top of the bank of the Schuylkill River or a structural wall or improved water's edge along the Schuylkill River, based upon conditions that will exist after the development is completed, based upon the approved final PRD plan. Pedestrian access may be placed within this setback.

(m) Each single-family detached, single-family semidetached or single-family attached dwelling shall have a private outdoor area including a minimum area of 300 square feet for the exclusive use of that dwelling unit. Such outdoor area may be a rear or side yard, a porch, a balcony, a deck, an improved rooftop recreation area with railings, or a similar feature.

(2) Fire access. The applicant shall prove to the satisfaction of the Planning Commission, after a review by the City Fire Department, that all buildings will be adequately accessible by fire apparatus. The applicant should use a computer program to show that adequate access will be available for the largest vehicles used by the Fire Department, including provisions for turnarounds. The City may require that buildings be sufficiently separated to allow firefighting access. Where streets or parking areas do not provide adequate access to various sides of a building, the City may require that a pedestrian pathway be constructed with sufficient paving depth and width so that the pathway will be suitable for use by fire trucks. Where there is no need for a pathway, the City may require other provisions for fire truck access, such as a stabilized surface under grass.

(3) Minimum business uses. A minimum of 5% of the total floor area of all enclosed buildings after completion of the development of the tract shall be occupied by business uses. Areas used for vehicle parking shall not be considered in this calculation.

(4) Open land. A minimum of 10% of the total lot area of the tract shall be set aside in open land that is available for active and passive outdoor recreational use by the residents and employees of the tract, or by the general public. Such open land shall be maintained in existing trees or may be planted with new trees and shrubs or improved for outdoor recreational facilities. Such open land shall be regulated by a conservation easement or deed restriction established by the applicant and enforceable by the City of Reading, which prohibits the construction of buildings and the further subdivision of the required open land.

(a) Outdoor recreational facilities shall be landscaped and may include pathways, pedestrian outdoor courtyards and structures typically included in active and passive recreational areas. Areas within a street right-of-way and areas used for buildings or vehicle parking shall not count towards the open land requirement, except rooftop active recreation facilities that are available to all residents of the building and/or tract may count towards up to 50% of the required open

land areas. Required open land areas may be designed to be under a roof during inclement weather or under an awning or similar feature.

(b) Unless dedicated to and accepted by the City of Reading as part of a final PRD plan, such open land shall be owned and maintained by a legally binding association of property owners on the tract. The form of the property owners legal documents shall be subject to review by the City Department of Law. If there is mutual written agreement between the applicant and the City, part or all of the open land may be maintained as a public park.

(c) The open land shall be focused on taking advantage of the riverfront by providing for substantial public access along the banks of the river. Some of the open land may also serve the purpose of buffering residences from high traffic roads.

(d) The Planning Commission may approve a portion of the open land requirement being met by the applicant making recreation improvements to existing adjacent City-owned parkland, provided the extent of the improvements are specified and provided that the City Council approves a list of such improvements. The City Council may approve a lease of parkland for the purposes of allowing an applicant to make improvements to City parkland.

(5) Riverfront access. The RR Overlay Zone offers great flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this RR Overlay Zone if the developer commits to providing public access to and along all portions of the Schuylkill Riverfront that are under the control of the applicant. The tract shall be designed to provide continuous public pedestrian and bicycle access from sunrise to sundown, at a minimum, from public streets to the riverfront, and then along the length of the riverfront along the entire tract. Such public access shall be provided upon completion of each phase for land in that phase adjacent to the riverfront. Complete public access along the entire riverfront shall be provided upon completion of the development, including provisions for future extension of public pathways from the edges of the tract. The Planning Commission may approve alternative access through the tract if public access at a particular part of the riverfront is not feasible.

(a) Such public access shall include a pedestrian pathway with a minimum hard-surfaced width of 10 feet and a public pedestrian access easement with a minimum width of 14 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such pathway may be gated and may be closed to the public between 10:00 p.m. and sunrise on land that is privately controlled. Access to land that is controlled by a public agency shall be governed by that public agency. Such riverfront pathway shall be illuminated and landscaped and shall connect with any existing or planned public trail adjacent to the tract.

(b) The applicant shall describe how parking will be made available for members of the public who wish to use the riverfront recreation trail and any recreation facilities open to the public. This may include on-street parking with time limits, but does not necessarily need to involve free parking provided by the applicant.

(c) Pedestrian public access points to the riverfront trail shall be available a maximum of 1,000 feet apart from each other, with each access point connecting

to a street open to the public. Sufficient access shall also be available to the riverfront trail for maintenance vehicles. Except for police, motorized wheelchair and maintenance access, no motorized vehicles shall be allowed along the riverfront trail.

(6) Surface parking location. If a new principal building is constructed that will be occupied primarily by retail uses, no new vehicle surface parking spaces shall be located in the area between the front wall of such building and the curbline of the nearest public street. If such lot is adjacent to two or more streets, this restriction shall only apply to one street. This provision shall not restrict parking that is located to the side or rear of such building.

E. Site and building layouts. The following provisions shall be applied to the tract to the satisfaction of the Planning Commission:

(1) The tract shall include at least one pedestrian-oriented commercial street, with pedestrian entrances and pedestrian amenities along that street and with no off-street surface outdoor parking spaces located between such pedestrian-oriented street and the front of abutting principal buildings, except for loading/unloading spaces. Commercial establishments shall be placed along at least a portion of the street level building space along such pedestrian-oriented commercial street.

(2) Along this pedestrian-oriented commercial street, a minimum of 50% of the front wall of each principal building shall not have a setback of greater than 40 feet from the curbline. The Planning Commission may approve a wider setback where appropriate to provide room for pedestrian amenities or an outdoor cafe.

(3) The final PRD plan shall specify locations for garbage collection, business truck unloading areas and similar building services. Such locations shall be subject to approval by the Planning Commission to minimize conflicts with the pedestrian-oriented commercial street and dwellings.

(4) The PRD shall have at least one central focal point for each 2,000 feet of length of the development. Examples of such a focal point include a landscaped central green space and/or a pedestrian-friendly street that includes commercial uses.

(5) Feasibility of addressing site issues. As part of a tentative PRD application, the applicant shall provide written material describing methods that will be used to provide compatibility with any adjacent sanitary sewage facilities and to address safety with any underlying natural gas infrastructure.

F. Approval process and phasing. Development under the RR Overlay Zone shall require approval by the Planning Commission as a planned residential development (PRD). The requirements and procedures for a PRD of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., are hereby included by reference.

(1) A tentative plan submittal shall be made that includes the entire tract. The tentative plan submittal shall state the following for the entire development and for each tentative phase: proposed number of dwelling units, the floor area of nonresidential uses, the amount and locations of open land, the proposed locations and heights of buildings, the proposed locations of off-street parking areas, the locations of

loading areas, and sufficient other information to show the feasibility of the proposed development. A map shall show the tentative phasing plan.

(a) The tentative plan submittal shall meet all of the requirements that would apply to a preliminary plan under Chapter 515, Subdivision and Land Development, of the Code of the City of Reading, except that tentative plans do not need to be drawn at a scale larger than one inch equals 100 feet, and except that the following submission requirements shall be deferred from the tentative plan to the final plan stage. Such deferral shall only occur if the applicant: shows the general feasibility of such features; and commits to not construct improvements that will be dedicated to the City prior to receiving final PRD plan approval for the area that includes such improvements. Such deferral may include the following:

[1] Stormwater calculations.

[2] Detailed grading and erosion and sedimentation control plans.

[3] Proposed monuments.

[4] Exact locations and species of plantings for landscaping plans.

[5] Utility and street profiles.

[6] Designs of culverts, manholes, catch-basins and similar construction details.

[7] Locations of proposed electric, telephone and cable television lines and water and sewage laterals.

(2) After review by the City Planning Office, City Engineer and Law Department, or their designees, and after the tentative plan has been offered for review by the County Planning Commission, the tentative plan shall be approved, approved with conditions or denied by the Planning Commission within the maximum time limits provided by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., unless the applicant provides a written time extension.

(a) The tentative plan may include a range of allowed uses in various areas, as opposed to identifying each specific use. The tentative plan shall show the preliminary layout of proposed streets, alleys, cartway widths, lots, public trails, recreation areas, major pedestrian and bicycle pathways, heights and uses of buildings, parking areas, major detention basins and proposed types of housing and nonresidential uses.

(b) The tentative plan is intended to show the interrelationships and compatibility of various elements of the PRD. The tentative plan shall be to scale and be designed to show how the PRD will comply with this chapter.

(3) After a tentative plan has been approved, a final plan shall be submitted, with any phasing occurring in logical self-sufficient phases. The final plan shall meet all of the same requirements that would apply to a final plan under Chapter 515, Subdivision and Land Development. The final plan shall need approval by the Planning Commission.

(a) No sale of lots or construction of buildings (other than one temporary modular sales/rental building) shall occur until after all of the following requirements are met:

[1] An approved final PRD plan for that phase has been approved by the Planning Commission and has been recorded;

[2] The applicant has proven they have met any conditions upon approval; and

[3] Acceptable financial guarantees for improvements have been established.

(4) A final plan submittal shall be accompanied by an updated plan of the entire PRD at a tentative plan level of detail, which shall show portions previously approved, portions that have been built, the locations affected by the current final plan submittal, and the remaining phases of development. This overall plan shall also show compliance with density and open space land requirements.

(5) Phasing. As each phase of development is approved, the applicant shall provide evidence that the requirements of this RR Overlay Zone will be met at the conclusion of that phase, even if later phases of development would not be completed. This shall include, but not be limited to, providing evidence of compliance with the density, bulk, and open land requirements. The City Planning Commission may permit variations in specific requirements of these provisions for an individual phase, provided there will be compliance after the completion of the next phase. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the tentative plan. For each phase, the applicant shall prove that the PRD will be able to properly function and will include suitable vehicle and pedestrian access and utilities even if later phases of the PRD are not built.

(a) A tentative phasing plan shall be submitted as part of the tentative plan and be updated as part of any final plan and should be updated at least once a year afterwards. The phasing plan shall show the geographic area of each phase and the anticipated order of the various phases and an approximate timeline for start and completion of construction. The applicant shall prove to the City Planning Commission that any changes to the phasing plan comply with this chapter.

(b) After final plan approval, the developer shall be required to enter into a development agreement with the City to ensure the timely completion of required improvements, in coordination with the phasing plan.

(c) If new dwellings are proposed adjacent to an existing industrial use, then the Planning Commission shall have authority to require provisions for transitional buffering and setbacks between those dwellings and any adjacent industrially zoned land. Such buffering and setbacks are intended to make sure that there will be a compatible border between dwellings and industrial uses, in case later phases are not developed.

[1] The Planning Commission may require that financial guarantees be provided by the developer to fund buffer plantings if adjacent phases are not built.

[2] The Planning Commission may require that a building setback be provided for dwellings from the edge of a future phase.

[3] If such future adjacent phase is completed in conformance with the tentative PRD plan, then such buffer and setback requirement is eliminated.

(d) If a particular final plan is not generally consistent with the approved tentative plan, then the applicant shall submit a revised tentative plan for acceptance by the City Planning Commission. However, the approved tentative plan is not required to be revised for matters addressed in the final plan that do not affect Zoning Ordinance compliance, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.

G. Additional requirements for a PRD.

(1) Other requirements. A PRD shall meet all of the requirements of this chapter and Chapter 515, Subdivision and Land Development, that are not specifically modified by this section or by the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., that govern PRDs.

(2) Architecture. To carry out the intent of traditional neighborhood development, as part of the final PRD submittal, the applicant shall submit a set of preliminary architectural sketches and the substance of draft architectural covenants to the Zoning Officer, the Planning Office, the City Department of Law and the City Planning Commission for review and comment. The applicant shall also submit a Manual of Written and Graphic Design Guidelines. Such provisions shall be prepared with the involvement of a registered architect. The applicant shall establish a set of architectural covenants as a condition of final plan approval, prior to the recording of such plan.

(a) No new principal building shall have a front facade that is primarily constructed using vinyl siding.

(b) New streetlights within the PRD shall have a decorative design with a maximum total height of 22 feet using a design preapproved by the City.

(c) The applicant should describe any environmentally friendly and energy-efficient measures that are intended to be incorporated into the construction, such as use of rooftop gardens or green roofs.

(3) Covenants. The City may also require covenants or conditions upon the plan to address setbacks, landscaping, pedestrian access, fire access, street improvements, utility improvements, access by the public to certain recreation areas, park improvements and other matters necessary to carry out the intent of this Overlay Zone.

(4) Public access. The tentative plan and final plan shall each describe the locations and extent of public access to the Schuylkill Riverfront.

(5) Traffic study and improvements. As part of the tentative plan submittal, the applicant shall submit a traffic impact study to the City. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development during peak hours, the impacts of the development upon traffic in the surrounding

area, any resulting reductions in levels of service below a level of "C" at intersections and highway ramps, and measures that the applicant proposes to complete or fund to mitigate the impacts, such as street improvements and/or assistance in funding transit services. Such traffic impact study shall be updated as needed as each phase is submitted. If diagonal parking is proposed along a street, the traffic impact study shall assess the safety of such parking in that location.

(a) The traffic impact study shall analyze issues involving truck traffic, particularly to avoid conflicts between new dwellings and late-night truck traffic, while also addressing peak-hour congestion.

(b) The traffic impact study shall be prepared under the direction of a professional with substantial experience in preparing traffic impact studies. The qualifications of such person shall be included in the report.

(6) For lots within an Historic District that are regulated by Chapter 295, Historic Districts, the applicant shall also comply with such chapter.

H. PRD modifications. As authorized by the TND and PRD provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., specific zoning and subdivision and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant. Such modifications shall be allowed where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD and/or TND as provided in state law. Such modifications shall be limited to street standards, setback requirements, sidewalk and curb standards, improvement requirements, and technical engineering requirements. The Planning Commission shall consider recommendations of the City Engineer or designee before approving any modifications to street, improvement and rights-of-way requirements.

(1) As another option, the applicant shall also have the additional option of submitting an application for a zoning variance to the Zoning Hearing Board, in the same manner as would apply to other sections of this chapter.

(2) Such modification may include, but is not limited to, the following street rights-of-way and cartway widths.

(a) A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, eight-foot wide parallel parking lanes, a four-foot wide planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks on each side of the street that are a minimum of five feet in width, except eight feet in width in front of principal commercial uses, and a right-of-way width that includes the width of the required sidewalk.

(b) A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, eight-foot wide parallel parking, a four-foot wide planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of five feet and a minimum right-or-way width that includes the required width of the sidewalk.

(c) An alley serving two-way traffic may be constructed with a sixteen-foot wide cartway and a five-foot wide minimum setback between the travel lane and any rear garage, provided that parking is prohibited within the cartway. Along any side of an alley along which parallel parking is allowed, an additional eight feet of paved width shall be required.

(d) The Planning Commission may require wider cartway widths as needed, considering the results of the traffic impact study.

(3) Any street within the RR Overlay Zone, whether public or private, shall meet the same minimum construction material requirements as any new street intended to be dedicated to the City under City ordinances, or as otherwise approved by the City.

(a) Pedestrian sidewalks with a minimum width of five feet and street trees meeting requirements of the City shall be required on each side of every street, unless the applicant proves to the Planning Commission that an alternative pathway open to the public will provide the same level of pedestrian access. The minimum width of sidewalks shall be increased to eight feet in front of principal commercial uses. Tree grates or similar measures may be used and permitted outdoor cafes may intrude into the sidewalk, provided a four-foot continuous pedestrian and wheelchair-accessible pathway is provided along the sidewalk. A minimum average of one street tree shall be required for each 40 feet of street length, unless existing trees will be preserved to serve the same purpose.

I. Off-street parking and loading regulations. The requirements of Part 16 of this chapter shall apply, except for the following modifications:

(1) Off-street parking may be shared by various uses and lots within the RR Overlay Zone, provided that the developer shall demonstrate to the Planning Commission that sufficient parking is provided on the tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that shared parking will continue to be available to all of the uses that are served by the parking during the life of those uses.

(2) The amount of off-street loading requirements shall be determined by the Planning Commission upon review of the proposed uses of each phase of the tentative PRD plan.

(3) Under the authority to modify requirements as part of a PRD, the Planning Commission may reduce the required amount of off-street parking by up to 30% based upon:

(a) The applicant's traffic study and parking study, provided the parking study analyzes current and anticipated on-street and off-street parking demand and supply within the PRD and at least one block in each direction.

(b) The ability of various uses to share parking, particularly if those uses have different period time periods of peak parking demand.

(c) Commitments by the applicant to fund or provide transit services for residents, customers and patrons, such as connections to an off-site parking area.

(d) The availability of public transit and/or any shuttle or trolley service that may be provided during periods of peak parking demand.

(4) For development under the RR Overlay Zone, new off-street vehicle parking spaces shall not be located within 100 feet from the top of the bank of the Schuylkill River or a structural wall along the Schuylkill River, based upon conditions that will exist after the development is completed, based upon the approved final PRD plan.

(5) An applicant may meet a maximum of 25% of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a street adjacent to the use.

J. Preserved open land. The method of ownership and maintenance of the preserved open land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved open land ownership or use that was not part of the PRD approval shall need Planning Commission approval.

(1) Required preserved open land shall be preserved through a permanent conservation easement that is enforceable by the City. The legal form of the documents concerning the preserved open land shall be approved by the City Department of Law or designee.

(2) The preserved open land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.

(3) Methods for ownership of the preserved open land shall utilize one of the following:

(a) Dedication to the City for public recreation if the City agrees in advance to accept it;

(b) Dedication to a property owners' association, with each owner of property within the PRD legally required to annually fund their share of the maintenance of the open land;

(c) Retention by the owner of a rental housing development; or

(d) Another suitable method that is specifically approved by the Planning Commission.

§ 600-816. MU Municipal District.

A. Dimensional requirements.[29]

B. Allowed uses.

(1) Permitted-by-right uses:

(a) Wastewater treatment operations.

(b) Law enforcement operations.

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29. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

(c) Firefighting and rescue service operations.

(d) Recycling operations.

(e) Multiple principal uses and occupancies on single parcels within the Municipal Use District are expressly authorized; where common (City) ownership makes subdivision otherwise unnecessary; "area and bulk" standards shall apply to the property as a whole. The adequacy of separations between uses shall be established by agreement between the City's representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.

(f) Governmental offices and public works facilities.

(g) Public recreation facilities.

(h) Nonmotorized recreation trails.

(2) Accessory uses. In compliance with Part 10, unless otherwise noted. **[Added 10-26-2015 by Ord. No. 58-2015]**

(a) Geothermal heat pumps.

(b) Solar energy systems.

(c) Water-powered energy systems.

(d) Freestanding or roof-mounted wind turbines.

§ 600-817. INS Institutional Overlay Zone.

A. Applicability. The INS District overlays the underlying zoning district(s) as shown on the INS Zoning Maps. Within the INS Overlay Zone, an applicant shall have the option of making an application under the regulations of the INS District or the underlying zoning district regulations in Part 8. All other provisions of this chapter shall apply.

B. Dimensional requirements.[30]

C. Allowed uses.

(1) Permitted-by-right uses:

(a) Cemeteries, not including a crematorium.

(b) College or university offices, education, dining, recreational, athletic, and maintenance uses and their customarily accessory uses.

(c) Museums.

(d) Nursing home or personal-care center.

(e) Offices or clinics of a hospital or similar health care organization.

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30. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

(f) Police, fire and ambulance stations and related training facilities.

(g) Residential facilities owned and/or operated by a college, university or hospital for their staff and/or enrolled students, which may include dormitories, sororities, fraternities, dwelling units and other residence halls. Sororities, fraternities, dormitories and boarding houses that are not owned and/or operated by a college, university or nursing school shall be prohibited.

(2) Conditional uses. In compliance with § 600-1203.

(a) Temporary shelter.

§ 600-818. Riparian Buffer Overlay District. [Added 10-26-2015 by Ord. No. 57-2015]

A. Applicability. This section is intended to modify the location of certain development in relation to watercourses and impoundments but not to modify the overall density of such development. The regulatory provisions apply to development and redevelopment of property located within the riparian buffer setback, and make recommendations for the maintenance of any other properties within the riparian buffer setback, to protect both water resources and property from stormwater damage, flash flooding, erosion and sedimentation, and pollution.

B. Creation of riparian buffer setbacks.

(1) A riparian buffer setback is an area extending alongside and adjacent to watercourses and impoundments which must be designed, managed and maintained as a riparian buffer to protect stability of banks and edges, improve water quality, reduce the effects of erosion, flash flooding and contaminated runoff, and to act as a transitional zone between upland and aquatic habitat.

(2) The following riparian buffer setbacks are required within the following zoning districts:

(a) R-1: 35 feet.

(b) R-1 A: 35 feet.

(c) R-2: 25 feet.

(d) R-3: 15 feet.

(e) R-PO: 25 feet.

(f) C-C: 15 feet.

(g) C-R: 15 feet.

(h) C-H: 25 feet.

(i) M-C: 35 feet.

(j) H-M: 35 feet.

(k) P: 35 feet.

C. Regulations that apply to areas that contain riparian buffer setbacks.

(1) The regulations in this section shall apply to all lots, regardless of size, that include watercourses and impoundments. In lots which qualify for development in the Riverfront Redevelopment Overlay District, those optional regulations shall take precedence.

(2) Areas within the riparian buffer setback along watercourses and impoundments must be used as a riparian buffer; they must be properly graded and stabilized, and managed as open space with permanent vegetation consisting of at least 20% shrub or tree cover.

(3) Development. Development shall be designed to preserve the integrity and function of any existing riparian buffer. All areas within the riparian buffer setback shall be designed and managed as a riparian buffer, except as specifically provided in this section. In an application for development, the applicant shall design the development without encroaching upon the riparian buffer setback, in accordance with the following limitations:

(a) The principal building and use shall not be located on the area of the lot within the riparian buffer setback;

(b) Other structures, accessory uses and equipment shall also, to the extent feasible, not be located on or extend into the riparian buffer setback;

(c) Other impervious coverage shall not extend into the riparian buffer setback, unless the City Engineer finds that:

[1] Constraints unique to the property prevent the reasonable development of the property without encroaching upon the riparian buffer setback; and

[2] The development plan minimizes the encroachment and provides compensating mitigation to reduce the impacts of the encroachment into the riparian buffer setback.

(4) Redevelopment. For the purposes of this section, "redevelopment" shall mean any physical improvement that involves earthmoving, removal, or addition of impervious surfaces to a lot which contains preexisting development within the overlay district. In an application for development of property, the applicant shall design the land development plan in a manner that maintains and restores riparian buffer functions to areas in the riparian buffer setback to the extent feasible, including the following:

(a) No new buildings or structures shall be added in the portion of the lot located within the riparian buffer setback;

(b) Restoration and improvement of existing buildings and structures located within the riparian buffer setback shall not be expanded beyond their existing footprint;

(c) Accessory uses and equipment should be located or relocated, to the extent feasible, so as not to encroach upon the riparian buffer setback;

(d) Impervious coverage shall not be added in the riparian buffer setback, and, except for access roads and necessary parking areas, redevelopment plans shall,

to the extent feasible, remove existing impervious surfaces from the riparian buffer setback and grade and revegetate the riparian buffer setback area as a riparian buffer.

(5) Application information. In order to determine compliance with the applicable riparian buffer setback requirements, an application for land development shall include the following information with respect to the portion of the lot within a riparian buffer setback:

(a) Maps and schematic plans identifying the location of watercourses and impoundments on and adjacent to the property under development;

(b) Location, dimensions and footprint of any proposed or existing building or structure, equipment and impervious coverage;

(c) Slopes and grading plan;

(d) A planting plan that includes plant species, locations and coverage of shrubs and trees;

(e) A riparian buffer maintenance plan providing for the maintenance of permanent vegetation, stable slopes and grading, and integrity of the riparian buffer.

D. Permitted land disturbances in riparian buffer setback.

(1) The area within the riparian buffer setback established in this section for each zoning district shall be managed as a riparian buffer.

(2) The following land disturbances shall be permitted without limitation when located within a riparian buffer setback:

(a) Implementation of an approved riparian buffer maintenance plan, which may include vegetation and open space management and which provides for the maintenance of permanent vegetation, watercourse and impoundment banks, edges and water quality.

(b) Activities regulated by the Commonwealth of Pennsylvania, such as permitted stream or wetland crossings or other obstructions and encroachments, in accordance with a valid permit.

(c) Installation of pervious-surfaced trails along or providing access to a watercourse or impoundment, or an impervious-surfaced trail providing access when required or authorized by federal, state or local regulations.

(d) Gardening and exterior yard maintenance, not including mowing or tilling, unless done in accordance with an approved riparian buffer maintenance plan.

E. Maintenance and protection of riparian setback areas. All owners of property that includes a riparian buffer setback are encouraged to develop and implement a riparian buffer maintenance plan and are encouraged to use best management practices within the riparian buffer setback area to maximize the functions and benefits for their property and downstream properties to restore the functions of the riparian buffer area over time. Such practices include, without limitation:

(1) Proper grading to reduce erosion of banks.

(2) Mulching of exposed soils.

(3) Establishing permanent vegetative cover including shrubs and trees.

(4) The use of native plants adapted to the edge of waterway habitat.

(5) Removal of invasive plants.

(6) Limiting mowing and restoring the natural habitat.

(7) Protection and stabilization of banks and impoundment edges.

(8) Water quality protection, including regular cleanup and spill prevention.

(9) Reduction of runoff volumes and velocity to prevent downstream damages and flooding.

(a) Installation of rain barrels and other rain water harvesting.

(b) Encouraging rain water infiltration with rain gardens or terraces.

(10) Voluntary removal of obstructions, unused equipment, and accessory uses.

(11) Removal of impervious surface cover.

(12) Use of porous paving materials.

(13) Responsible storage of fuels and chemicals and other potential pollutants.

F. Boundary determination. The applicant is responsible for the measurement of the applicable riparian buffer setback established in § 600-818B along any watercourses or impoundments located on the lot, and delineation of such riparian buffer setbacks on any plans for land development. Measurement is from the edge of bank at the time of a permit application. The Zoning Administrator, in consultation with the City Engineer, shall be responsible for reviewing the location of the riparian buffer setback, as applicable to any specific permit or approval. An applicant shall provide all plans, maps, and other information that may be necessary to make such a determination.

G. Violations and penalties. Any person who or partnership or corporation that has violated or permitted the violation of the provisions of this section shall be subject to zoning enforcement remedies as described in § 600-201.

Part 9
General Provisions

§ 600-901. Application to all zoning districts.

This Part 9 shall be applicable to all buildings, structures, uses and lots, regardless of zoning district.

§ 600-902. Limit of one principal use per lot; limit on dwellings per lot; limit on dwelling occupancy; alley frontage.

A. No more than one principal use shall be permitted on a lot in a residential district, unless specifically permitted by this chapter. Where more than one principal use is allowed on a lot, the most restrictive requirement shall apply.

B. Off-street parking shall be required for the total of all uses on the lot, unless provided otherwise in this chapter.

C. A lot shall only be occupied by one dwelling unit unless the provisions of this chapter specifically allow two or more dwelling units. This provision shall not limit condominium ownership where the dwellings would be able to meet all of the same dimensional requirements as if fee simple lot lines would be drawn for non-condominium ownership.

D. An accessory building shall not be converted into a dwelling unit unless specifically allowed by this chapter.

E. A new principal building shall not be allowed if the lot only abuts an alley and not a street, unless the applicant proves to the Zoning Hearing Board as a special exception that no other reasonable use of the property is feasible.

F. Unless otherwise stated, each dwelling unit shall be limited to occupancy by one household, which shall meet the definition of one "family" in § 600-2202.

§ 600-903. Multiple occupancy.

A. Occupancy of a principal commercial or industrial building or lot by more than one use is specifically allowed, provided that all other requirements of this chapter are satisfied. Each use within a multiple use building shall be required to apply for separate zoning permits. The parking requirements shall be met for each use, and the dimensional requirements for the most restricted use shall apply. This provision by itself shall not be used to allow outdoor vending.

B. If a building includes multiple indoor retail sales businesses, each retail sales business shall have its own pedestrian access onto a street, sidewalk or hallway, and shall be separated from other retail sales businesses by a wall, unless the use is specifically approved as a kiosk, farmer's market, flea market or antique mall. **[Added 2-14-2011 by Ord. No. 8-2011]**

§ 600-904. Side yard setback in R-3 and C-R Districts.

See also Note 3 in the table of dimensional requirements for the R-3 District[31] and Note 1 in the table of dimensional requirements for the C-R District.[32]

§ 600-905. Proposed right-of-way.

When a lot has frontage on a public street which is or will be subject to a widening of the right-of-way, all required dimensional requirements, restrictions and limitations shall be measured from the edge of the public or established ultimate right-of-way as specified on official County Geographic Information System records, or where not available in such source, in the City Topographical Survey or the City's adopted Official Map.

§ 600-906. Emergency access.

Emergency access shall be provided by way of paved streets, alleys, hard surface and/or marked stabilized turf driveways along at least three of four sides of all buildings that have a width or length exceeding 250 feet. No emergency access shall be located more than 200 feet from the building it services. If emergency access requirements are satisfied by constructing a sidewalk, such sidewalk shall be at least 10 feet wide and shall have a minimum radius of 50 feet at turns and intersections and be able to support an emergency vehicle.

§ 600-907. Frontage along a street.

A new lot shall be only be allowed if it will abut a public street, or a private street or parking court that the City approves as meeting such purpose after a review by the City Law Department and Department of Public Works. A new apartment building or commercial or industrial building shall not be constructed unless it is on a lot that is adjacent to such a street or approved parking court. An alley with a cartway width of less than 16 feet or a right-of-way width of less than 20 feet shall not, by itself, be used to meet the requirements of this section.

§ 600-908. Front yards.

All areas fronting a public street shall be considered as front yards, with all uses, buildings or structures regulated accordingly. For corner lots, the rear yard will be considered the yard opposite the street address on the maps in the Department of Public Works office.

§ 600-909. Front yard exception.

A. By administrative review of the Zoning Administrator, the front yard of a proposed building may be decreased in depth to the average alignment of a majority of existing buildings on the same block frontage (same side) located within 100 feet of the proposed building.

B. This subsection applies in place of the standard front yard setback requirements in certain cases in the R-3, C-C, C-N and C-R districts so that the front yard building setback is consistent with the average existing setback. This section shall only apply if more than 75% of the lots within the block frontage are occupied by a principal building. The required front yard building setback shall apply from a public street right-of-way for a new principal building. A majority of the front building wall and/or the front porch of such new building shall meet such required building setback. An area used for outdoor seating of a restaurant shall be considered the same as a front porch.

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31. Editor's Note: Said Table of Dimensional Requirements is included at the end of this chapter. See also § 600-804A.

32. Editor's Note: Said Table of Dimensional Requirements is included at the end of this chapter. See also § 600-808A.

(1) The required front yard building setback shall be based upon the average setback of all existing principal buildings that are on the same side of the same block frontage of the street. The required front yard building setback shall not vary from the average setback by more than five feet to the front or to the back of the average setback.

(a) For example, if two lots on one side have existing five-foot setbacks, and two lots on the second side have existing fifteen-foot setbacks, the average shall be 10 feet. Therefore, if the average setback is 10 feet, the minimum front yard building setback for a new building shall be five feet and the maximum front yard building setback shall be 15 feet.

(2) If one existing building on another lot has a front setback that is more than 25 feet different in setback from the average of the other buildings, it shall not be considered in the average. A lot that is not occupied by a principal building shall not be considered in the average.

(3) If a lot includes more than one principal building, this provision shall apply to the building that is closest to the front. For a corner lot, this provision shall apply to the one street line that has the most principal buildings fronting upon it, and shall not require a smaller setback that is otherwise required along the second street line.

(4) If the Zoning Administrator determines that there is not an average front yard building setback, then the minimum front yard building setback shall apply.

(5) A larger setback may still be required if necessary to comply with City sight clearance regulations at an intersection.

C. An unenclosed stoop or steps may intrude into the front yard setback.

D. The removal or enclosure of a front porch shall need special exception approval. The Zoning Hearing Board shall consider whether the change would harm the character of the block, considering the presence of porches on other buildings within the block. The Board may place conditions upon the design of an enclosure or a replacement porch to maintain consistency with other buildings on the block. This requirement shall not apply in any of the following cases:

(1) If the porch removal or enclosure will require City approval under Chapter 295, Historic Districts;

(2) If the porch includes less than 20 square feet of floor area;

(3) If the porch covers historic architectural details of the facade and the porch was not original to the structure; or

(4) If the porch was added after 1950.

§ 600-910. Projections.

A. Porches, decks, patios and stoops that are open on all sides (except the side attached to a building) and which may have a roof or awning, may be placed in a required front yard and rear yard, provided they do not extend for a distance into more than one-third of the required front yard and/or rear yard area. In any case, such feature may intrude up to 10 feet into a front yard setback. A raised deck shall still meet side yard setbacks. An open

or lattice-enclosed fire escape or fire-rated outside stairway may project into any yard not more than 50% of the distance from the building wall to the lot line. Drive-through canopies shall conform to § 600-1004 of this chapter.

B. An unenclosed ramp for wheelchairs shall be allowed to intrude into a required setback as is necessary to provide access to the building or facility. Where access is possible using a ramp to the side or rear of a building, such side or rear access shall be used instead of intruding into a required minimum front yard setback.

C. A standard chimney connected to the heating source and connected to the principal building may intrude up to three feet into a setback. An eave or similar overhang of a roof may intrude up to three feet into a setback.

§ 600-911. Height exceptions.

The maximum structure height specified for each district shall not apply to: water towers, decorative clock or bell towers, steeples and religious symbols attached to places of worship, electrical transmission lines, elevator shafts, skylights, chimneys, heating/ventilation/air-conditioning equipment, industrial mechanical equipment areas that are not occupied by humans, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. However, all features shall still comply with the height regulations within the Airport Approach Zones. Wind turbines and telecommunications towers and antenna, where allowed, shall meet the applicable height limits for such uses, as opposed to the height limit of the district. See § 600-918 for solar collection devices.

§ 600-912. Lighting control.[33]

A. Lighting (other than streetlights and natural sources) shall be shaded, shielded and directed to prevent the creation of glare or a light intensity that will be nuisance to residents, pedestrians or motorists.

B. Spillover. Between the hours of 10:00 p.m. and 6:00 a.m., a sign or other illumination utilized on private property shall not cause a spillover of light of an intensity in excess of 2.0 horizontal footcandles onto another lot that is not in common ownership. This maximum intensity shall be reduced to 1.0 horizontal footcandles between 10:00 p.m. and 7:00 a.m. on a principally residential lot in a residential zoning district. The spillover shall be measured at a height of five feet above grade. Overhead lighting of public recreational facilities, beyond what is necessary for security, shall not shine directly onto dwellings between 10:00 p.m. and 7:00 a.m.

C. Streetlighting exempted. This section shall not apply to:

(1) Streetlighting that is owned, financed or maintained by a public utility, the City or the state; or

(2) An individual porch light (not including a spot light).

D. Height of lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to:

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33. NOTE: See also sign lighting provisions in § 600-1714.

(1) Lights needed for air safety;

(2) Lights intended solely to illuminate an architectural feature of a building;

(3) Lighting of outdoor public recreation facilities or stadiums; or

(4) Lighting of a wall-mounted sign that is allowed to be placed at a taller height.

E. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover or shielded to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots. This provision shall not apply to LED lights or to bulbs of 25 or less watts.

F. Shielding. All light sources, including signs, shall be carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

G. Flickering. Flashing, flickering or strobe lighting are prohibited, except for nonadvertising seasonal flashing lights between October 30 and January 10.

H. Gasoline sales canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.

I. Lighting of horizontal surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full-cutoff measures as needed to properly direct the light and to meet the maximum spillover requirements of Subsection B and to prevent glare onto streets. The City may require that light fixtures for nonresidential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots, or that shielding and reflective devices be used with light fixtures to aim the light away from the dwellings.

J. Lighting of nonhorizontal surfaces. For lighting of predominantly nonhorizontal surfaces, such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light: towards neighboring residences; past the object being illuminated; or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Any lighting of a new billboard should be attached to the top of the billboard and project downward.

K. Upward lighting and lasers. Spotlights shall not be directed upwards into the sky. Laser lights shall not be directed into the sky to attract attention to a business or activity. This subsection shall not apply to theaters, arenas or performing or visual arts centers in the C-C District, or as part of a City-sponsored special event.

L. Neon and similar lighting. The use of neon, argon and similar lighting shall be prohibited within residential districts for commercial advertising purposes if it is visible from a dwelling on another lot.

§ 600-913. Shade tree requirement.

A minimum of one shade tree per newly constructed principal residential unit and/or business establishment shall be required, which shall meet species and planting requirements set forth

by the City Shade Tree Commission and Chapter 515, Subdivision and Land Development. If a new principal commercial, industrial or institutional building is constructed, a minimum of one shade tree shall be required for each 50 feet of abutting street length. Such trees are not required to be evenly spaced. The location of the trees shall be subject to approval by the designated City staffperson, and do not necessarily need to be placed within a street right-of-way. If an application will be required by Chapter 515, Subdivision and Land Development, to provide similar tree planting, then the SALDO requirement shall apply in place of this chapter requirement.

§ 600-914. Urban renewal projects.

In recognition that enabling statutes are not intended to give to municipalities authority to control the Commonwealth of Pennsylvania or its agents, and in recognition that the United States is supreme when it operates within its powers, and that neither a state nor its political subdivisions may interfere with it, the City hereby declares that this chapter shall yield to the use, height, bulk and area controls, and other such controls contained within this chapter, established by either the Commonwealth of Pennsylvania or the United States of America, when such controls are lawfully established pursuant to legislation governing urban renewal, consistent with a City-approved urban renewal plan. The City acknowledges that the strict enforcement of the regulations contained herein would, if those regulations were inconsistent with lawful urban renewal controls, constitute interference with the United States and/or the Commonwealth of Pennsylvania in the legitimate exercise of its/their constitutional duties.

A. This section shall extend to a redevelopment authority, where authorized by City Council and which is operating under authority granted to it by the Commonwealth of Pennsylvania.

B. In the event that there are no urban renewal parcel controls specified, the zoning district standards established in this chapter shall apply.

§ 600-915. Odors and dust.

No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.

§ 600-916. Garbage dumpster screening and location.

A. Site plans submitted to the City shall show the proposed location of any garbage (includes refuse) dumpsters. The Zoning Administrator may require that such proposed location be modified to provide compatibility with adjacent uses. **[Amended 2-14-2011 by Ord. No. 8-2011]**

B. Garbage dumpsters shall be surrounded on all sides by a solid fencing, wall, landscaping and compatible gate with a minimum height of five feet if the dumpster would be visible from a street or a residential lot. This section is not intended to regulate temporary dumpsters for construction or renovation debris, while a permit for the lot is active. This section shall also not regulate the use of a dumpster on a lot for up to 30 total days per calendar year.

§ 600-917. Noise control.

A. No principal or accessory use its operations or activities shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/District

Land Use or Zoning District Receiving the Noise		Hours/Days	Maximum Sound Level
A.	At a lot line of a residential use in a residential district	1) 7:00 a.m. to 10:00 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day and Memorial Day	1) 62 dBA
		2) 10:00 p.m. to 7:00 a.m., plus all of the following days: Sundays, Christmas, Thanksgiving, New Year's, Easter Sunday, Labor Day and Memorial Day	2) 55 dBA
B.	Lot line of a principal residential use that is not in a residential district	1) Same as above	1) 65 dBA
		2) Same as above	2) 62 dBA
C.	Any lot line other than A. or B.	All times and days	70 dBA

Note: dBA means "A"-weighted decibel.

B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

(1) Sound needed to alert people about an emergency.

(2) Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7:00 a.m. and 10:00 p.m., except for clearly emergency repairs which are not restricted by time.

(3) Lawnmowers, snowblowers, leaf blowers, and household power tools.

(4) Agricultural activities, livestock and other animals.

(5) Public celebrations specifically authorized by City Council or a county, state or federal government agency or body.

(6) Unamplified human voices.

(7) Routine ringing of bells and chimes by a place of worship or municipal clock.

(8) Vehicles lawfully operating on a public street, railroads and aircraft.

(9) Matters that are regulated by Chapter 387, Noise.

§ 600-918. Green incentives.

A. Areas of a balcony or the roof over a building or parking structure that are primarily covered by attractive vegetation and accessory walkways and are accessible to and usable by persons, and are designed to absorb significant runoff shall not count as impervious area for the purposes of calculating impervious coverage under this chapter. (See the City stormwater regulations[34] to determine whether these areas would be considered impervious for the purposes of the stormwater requirements.)

(1) However, in no case shall this incentive reduce the amount of ground level vegetative area to less than 5% of a lot in a commercial or industrial district, or 10% in an R-3 District or 25% in all other districts. **[Amended 2-14-2011 by Ord. No. 8-2011]**

B. Areas above underground parking that are covered by attractive vegetation and are accessible to and usable by persons, and are designed to absorb significant runoff, shall not count as building coverage for the purposes of calculating building coverage under this chapter.

C. For each 1,000 square feet of building floor area that achieves "certification" or a higher level under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, an additional 300 square feet of building coverage shall be allowed beyond the maximum building coverage requirement.

(1) If a building is approved to be certified as a condition of an incentive under this chapter and certification is not met after completion, then the applicant is required to make modifications to the project until such certification is received. The City may require that a LEED certified professional and the building owner provide written evidence during the construction process that the features are being installed that were part of the proposed certification.

(2) However, in no case shall this incentive reduce the amount of ground-level vegetative area to less than 5% of a lot in a commercial or industrial district, or 10% in an R-3 District or 25% in another district.

D. Solar collection devices may extend a maximum of 15 feet above the maximum height limit and are a permitted-by-right use in all districts. Solar collection devices serving signs may extend 10 feet above the maximum height of the sign.

E. If solar collection devices are installed above vehicle parking, such structures shall not be regulated as part of building coverage.

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34. Editor's Note: See Ch. 505, Stormwater Management.

Part 10
Accessory Uses

§ 600-1001. General requirements.

The following regulations shall apply to any and all accessory uses, buildings and structures, wherever situated:

A. Buildings or structures attached to or forming an integral part of a principal building or structure and utilized for an accessory use shall not be considered as accessory buildings or structures and shall conform to all requirements for a principal structure for the district in which situated.

B. Accessory buildings, structures or uses shall not be located between the principal building and any public street right-of-way, except that a detached vehicle garage of a dwelling may be allowed within the second front yard on a corner lot, provided it is behind the dwelling.

C. Offices to sell dwellings in a development are permitted accessory uses, but such uses must be removed or converted to an allowed use upon the sale of the last on-site residential unit offered for sale. A sales office may also be temporarily located in a permanent dwelling that is later used as a dwelling.

D. All in-ground swimming pools, as defined in § 600-2202, shall conform to all requirements as a structure for the district in which situated. The water surface of a pool shall not be less than seven feet from the side and rear property lines. Pools shall meet the fence and gate requirements of Chapter 180, Construction Codes.

E. In-ground pools as defined and regulated in Chapter 527, Part 1, Private Swimming Pools, of the Code of the City of Reading shall be included in computing impervious coverage. The water surface of a swimming pool shall be set back a minimum of 10 feet from any lot line or street right-of-way line.

F. Human habitation in accessory buildings is prohibited.

§ 600-1002. Private garages.

A private garage (which may include a carport) for vehicle parking and household storage that is accessory to a dwelling is allowed within the rear setback, provided any vehicle garage door is set back a minimum of three feet from an alley and provided the following additional requirements are met:

A. The garage structure shall not exceed 25 feet in height.

B. The garage shall not exceed one story, except a second story may be used for household storage.

C. A garage that is larger than 600 square feet in building floor area shall meet the principal building setbacks.

§ 600-1003. Storage sheds, greenhouses and animal shelters.[35]

Storage sheds and greenhouses located within a required yard shall not exceed 280 square feet in floor area and 10 feet in height. Accessory animal shelters for pets shall not exceed 25 square feet in floor area. A three-foot minimum rear and side yard setback shall apply to such storage sheds, greenhouses and shelters, except no setback is required if the principal buildings are attached along the same lot line. The maximum building coverage requirement for the district shall still be met.

§ 600-1004. Drive-through service lanes and canopies.

The following shall apply to drive-through lanes and canopy structures:

A. A drive-through lane or canopy shall not be located within a required front yard.

B. No drive-through lane or canopy shall be situated less than two feet from a lot line, other than as provided in Subsection C below.

C. A drive-through lane or canopy situated adjacent to a residential property shall be no less than 10 feet from the lot line, with a buffer strip 10 feet in width and screening provided accordance with § 600-1401 of this chapter.

D. No canopy shall be less than eight feet six inches above grade.

E. All signage, except clearance or directional signs, are prohibited from portions of canopies that are located with a minimum setback.

§ 600-1005. Entertainment (as an accessory use).

Live entertainment may be permitted as accessory to a restaurant, tavern or nightclub use in the C-C, C-R, C-N, C-H and M-C Zoning Districts, provided that the use meets the following requirements:

A. The principal use shall be a permitted, special exception, conditional or legal nonconforming use.

B. All performances on a property in the C-R or C-N Districts that can be heard at a principal residential use on another lot shall begin no earlier than 7:00 a.m. and terminate no later than 12:00 midnight and be limited to Friday and/or Saturday.

§ 600-1006. Home occupations.

The district regulations, the "home occupation" definitions and this section distinguish between minor home occupations, which are typically permitted by right, and major home occupations, which typically need special exception approval by the Zoning Hearing Board.

A. All home occupations shall meet the following requirements:

(1) The use shall only be conducted by permanent residents of the dwelling and a maximum of one employee working on the premises at a time, or operating a vehicle that is parked at the dwelling overnight, who do not live within the dwelling.

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35. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

(2) The use shall be conducted indoors, in a principal and/or accessory building. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.

(3) The use shall occupy an area that is not greater than 25% of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.

(4) For a major home occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.

(5) The use shall not routinely require delivery by tractor-trailer trucks.

(6) No excavating equipment shall be parked outside overnight on a residential lot or an adjacent street as part of a home occupation. See truck parking restrictions in Chapter 564, Vehicle Nuisances, Storage of. **[Amended 8-26-2013 by Ord. No. 35-2013]**

(7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances, as each is defined by federal regulations. **[Amended 2-14-2011 by Ord. No. 8-2011]**

(8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9:00 p.m. and 7:30 a.m.

(9) Any tutoring or instruction shall be limited to a maximum of four students at a time.

(10) A barber or beauty shop shall be considered a major home occupation and not include any nonresident employees. See also § 600-1103.

(11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.

(12) See sign requirements in § 600-1703B.

(13) The Zoning Hearing Board shall deny a major home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.

(14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.

(15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.

(16) A zoning permit shall be required for any home occupation.

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": **[Amended 12-16-2013 by Ord. No. 83-2013]**

(1) The use shall not routinely involve routine daily visits to the home occupation by customers.

(2) The use shall only involve the following activities:

(a) Work routinely conducted within an office.

(b) Custom sewing and fabric and basket crafts.

(c) Cooking and baking for off-site sales and use.

(d) Creation of visual arts (such as painting or wood carving).

(e) Repairs to and assembly of computers and computer peripherals.

(f) A construction tradesperson, provided that no nonresident employees routinely operate from the lot.[36]

§ 600-1007. Portable home storage units.

See Chapter 502, Part 1, Portable Home Storage Units, of the Code of the City of Reading.

§ 600-1008. Off-premises parking areas in the R-3 and C-C Districts. [Amended 2-14-2011 by Ord. No. 8-2011]

Off-premises off-street parking areas shall be permitted in the R-3 and C-C Zoning Districts as accessory to lawful uses, provided the design and construction of the parking area complies with the standards set forth in § 600-1602 of this chapter and meets the buffering requirements of this chapter. See restrictions in the C-C District provisions in § 600-807B concerning service of the general public. Prior to the issuance of a permit, a site plan shall be reviewed and approved by the Department of Public Works.

§ 600-1009. Vending machines and used clothing receptacles.

A. No commercial vending machine(s) shall be permitted outside or inside of any principally residential property located in any zoning district within the City limits. However, vending machines may be located inside a multiunit building if they are intended to only serve residents of that building. Vending machines, which for the purpose of this chapter shall include, but not be limited to, soft drink and snack machines, newspaper and similar periodical boxes and pay telephones, shall not occupy more than 25% of the sidewalk width in the public right-of-way, and shall be located to maintain a minimum of four feet of clear wheelchair-accessible sidewalk width. Automatic transaction machines shall not be allowed within a public street right-of-way.

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36. Editor's Note: Original Subsection B(3), regarding zoning permits for minor home occupation, which immediately followed this subsection, was repealed 2-14-2011 by Ord. No. 8-2011.

B. Outdoor receptacles for receipt of used clothing shall only be placed on a lot if the landowner or tenant has provided permission. Such receptacles shall not be placed less than 50 feet from a dwelling on another lot and not less than 30 feet from the curb of a public street.

§ 600-1010. Amusement devices.

Electronic amusement devices shall be permitted as accessory uses to a principal commercial use, at a ratio of one amusement device per 400 square feet of area accessible to customers within the business. This minimum ratio shall not apply to a use that is approved as an amusement arcade. For the purpose of this section, kitchens, storage areas, rest facilities, office areas and passageways shall not be included in computing customer accessible area. Each public and private restaurant or tavern, regardless of its size, shall be permitted at least two amusement devices. No amusement device shall be audible beyond the premises within which it is located.

§ 600-1011. Yard and garage sales. [Amended 2-14-2011 by Ord. No. 8-2011]

Yard and garage sales shall only be allowed as accessory to a residential lot. Customarily incidental accessory yard and garage sales are permitted, provided the following requirements are met in residential districts:

A. Yard and garage sales in residential districts shall not occur more than four times per year per lot, and each sale shall not exceed two days.

B. Only used items may be sold in a residential district.

C. Hours of operation shall be between 8:00 a.m. and 6:00 p.m.

D. At no time shall any part of the sale activity obstruct pedestrian and wheelchair access along a public sidewalk.

§ 600-1012. Alternative energy systems. [Amended 10-26-2015 by Ord. No. 58-2015]

A. Applicability. This section of the Zoning Ordinance shall apply to all alternative energy systems that are proposed to be constructed after the effective date of this Zoning Ordinance. Alternative energy systems constructed prior to the effective date of this section shall not be required to meet the requirements specified under this section, except for the maintenance and removal provisions found in § 600-1012J(2) through (5). Any physical modification to an existing alternative energy system that alters the size, type or generating capacities of the facilities shall require a permit and shall comply with the applicable provisions specified under this section.

B. Permitted as accessory use. Alternative energy systems designed and utilized as an accessory use, which may include geothermal heat pumps, solar energy systems, wind turbines, and water-powered energy, shall be permitted as an accessory use as described in Part 8, subject to the applicable provisions specified under this Zoning Ordinance.

C. Authorized as primary or supplemental energy source. Alternative energy systems as an accessory use may be utilized as the primary or supplemental energy source for the principal use on the lot where it is located in accordance with Zoning Ordinance Part 8, Districts. Surplus energy may be exchanged, transferred and/or sold to a public utility company, provided that such surplus energy is exchanged, transferred and/or sold in

accordance with the provisions established by the Public Utility Commission and Public Utility Code.

D. General requirements. The following provisions shall apply to all types of alternative energy systems:

(1) Alternative energy systems shall be permitted provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of the Zoning Ordinance.

(2) Alternative energy systems shall be located, designed and installed as per the manufacturer's specifications as well as all zoning, building code and utility requirements.

(3) Alternative energy systems shall be set back from all property lines a distance of not less than the normal setback requirements for accessory buildings/structures in that zoning district. All alternative energy systems shall comply with the building and lot coverage requirements of the zoning district in which they are located.

(4) Alternative energy systems shall emit no noise, glare, odor, vibration, electrical disturbance, electromagnetic interference, dust, smoke, fumes, toxic gas, radiation, heat that unreasonably impacts or affects neighboring properties or creates a nuisance. The burden of proof shall be upon the property owner if a claim of nuisance arises.

(5) All alternative energy systems and/or any appurtenant structures shall be set back from all public roads a distance of not less than 1.1 times the alternative energy system's height, as measured from the nearest edge of the alternative energy system and/or any appurtenant structure to the right-of-way line of all public roads.

(6) No alternative energy system shall be located, modified or constructed within the City of Reading unless a permit has been issued to the facility owner in accordance with the provisions of this section of the Zoning Ordinance.

(7) All new exterior alternative energy systems within historic and conservation districts must receive their certificate of appropriateness from the Historical Architectural Review Board prior to application for a permit.

(8) All alternative energy systems shall comply with all City of Reading noise regulations.

E. Special requirements for wind turbines.

(1) All wind turbines shall meet the following additional requirement:

(a) All wind turbines shall include automatic devices to address high-speed winds, such as mechanical brakes and over-speed controls and be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

(2) Freestanding wind turbines will also meet these requirements:

(a) All freestanding wind turbines shall be set back from all lot lines and street rights-of-way a minimum distance equal to the total maximum height to the top of the extended blade. All wind turbine setbacks shall be measured from the center of the base of the turbine at ground level.

(b) If support wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.

(c) All installations shall coordinate with the Federal Aviation Administration and PennDOT's Bureau of Aviation regarding airport hazard zoning.

(d) The maximum total height above the ground level to the tip of the extended blade shall be 150 feet.

(e) New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.

(f) Wind turbines shall not be climbable up to 12 feet above ground surface. All access doors to wind turbines and electrical equipment may be fenced, as appropriate. All shall be locked to prevent entry by nonauthorized persons.

(g) The minimum height of a wind turbine shall be 15 feet, as measured from the ground surface to the tip of the blade at its lowest turning movement.

(3) Roof-mounted wind turbines. Roof-mounted wind turbines may extend a maximum of 25 feet above the maximum height limit in the applicable zoning district.

F. Special requirements for geothermal heat pumps.

(1) The owner of any geothermal system shall be responsible for all remediation efforts and costs necessitated as a result of a release from the system that impacts or threatens to impact groundwater or surface water. If the owner refuses to take corrective action, the City may take corrective action in accordance with the property maintenance code and all state and federal regulations. All costs incurred by the municipality in doing so will be borne by the owner.

(2) Closed-loop geothermal heat pump systems must meet these requirements:

(a) Be self-contained having no contact with groundwater, surface water or the water table under one-hundred-year flood conditions.

(b) All heat-exchanging fluids within any geothermal heat pump must be comprised either of saline, water or other type of nonhazardous fluid, the release of which would not pose any risk of impact to groundwater in excess of standards set forth in all applicable state and federal regulations.

(c) The geothermal heat pump may not be in contact with an aquifer or be sited within any aquifer's recharge zone.

(3) Open-loop geothermal heat pump systems shall be reviewed on a case-by-case basis and the owner bears the burden of demonstrating no significant adverse impacts upon land or water resources.

G. Special requirements for solar energy systems. The following provisions shall specifically apply to solar energy systems and appurtenant structures and/or facilities associated with their operation:

(1) There is no restriction regarding visibility of solar panels, except in historic and conservation districts.

(2) Solar energy panels shall be designed and located to minimize glare that could affect any occupied adjacent properties and/or any street right-of-way.

(3) In accordance with § 600-918 relating to green incentives, solar installations may exceed building height restrictions in the applicable district by 15 feet, and signs by 10 feet, and certain parking installations are exempt from building coverage requirements.

(4) Surface area of ground-mounted solar energy systems shall not be counted as impervious lot coverage.

H. Special requirements for water-powered energy systems. The following provisions shall specifically apply to water-powered energy systems and appurtenant structures and/or facilities associated with their operation:

(1) No water-powered energy system shall endanger or threaten native local wildlife including fish, amphibians and reptiles.

(2) No water-powered energy system affecting current, cross section or flow of a waterway shall be approved without a permit or approval of the Pennsylvania Department of Environmental Protection. Installations that may significantly alter the streambed or directional flow of a stream, such as small dams and their upstream/downstream races or "ponds" for in-stream turbines and overshot/undershot wheels, may be approved if properly permitted under state and federal law.

(3) All water-powered energy systems shall have safety disconnects of their paddles, wheels or turbines in case of flood or heavy water flow beyond the anticipated capacity of the alternative energy facility.

I. Application. The facility owner shall provide the following in connection with his/her application for an alternative energy facility:

(1) A full description of the proposed alternative energy system.

(2) Architectural drawings of the system to be installed, all appurtenant structures and/or facilities associated with operation of the alternative energy system.

(3) Dimensions and locations of all affected buildings and structures on the applicant's real property and adjacent properties and any applicable setbacks.

(4) Photographs to establish baseline conditions at the time of the application.

(5) A statement of the estimated output of the proposed alternative energy system and where the energy will be utilized.

(6) A letter of agreement with a private energy utility provider if the energy to be generated by the alternative energy system is to be conveyed off the applicant's real property.

(7) The application for any permit for an accessory solar or wind energy system shall include an acknowledgement that the issuing of said permit shall not, and does not, create in the property owner, its, his, her, or their successors and assigns in title or, create in the property itself: a) the right to remain free of shadow and/or obstructions to solar or wind energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or b) the right to prohibit the development on or growth of any trees or vegetation on such property. Such acknowledgement shall be signed by the property owner.

(8) All new exterior alternative energy systems within historic and conservation districts must submit their certificate of appropriateness from the Historical Architectural Review Board with their application.

(9) Copies of any other permits that have been obtained from agencies with jurisdiction over the alternative energy system.

J. Installation, maintenance and removal requirements.

(1) Installation.

(a) No alternative energy system shall be located, modified or constructed within the City of Reading unless a permit has been issued to the facility owner in accordance with the provisions of this section of the Zoning Ordinance.

(b) For alternative energy system categories in which installer certification exists, a certified installer shall be required for more complex installations, nonresidential installations, or if recommended by the manufacturer.

(2) Maintenance obligations. The accessory alternative energy system must be clean and properly maintained in good, working order, and kept free from all hazards and unsafe conditions that are detrimental to the public health, safety and welfare. To the extent that an accessory alternative energy system constitutes an immediate threat to the public health, safety and welfare, the City is authorized to take all necessary steps to mitigate such public health, safety or welfare threat. All costs incurred by the City in doing so will be borne by the owner.

(3) Best practices required. All alternative energy systems are to be installed and maintained using best practices.

(4) Corrective action. In the case of a breakdown, malfunction, misuse or other situation involving an alternative energy system, it is the obligation of the facility owner and operator to immediately initiate corrective action. If the facility owner and operator refuse or are incapable of doing so, the City has the right to take corrective action at the expense of the facility owner and operator.

(5) Removal.

(a) The facility owner or operator shall, at his/her expense, completely remove any alternative energy system within 12 months after the end of its useful life. The

alternative energy system will be presumed to be at the end of its useful life if no energy is generated for a continuous period of 12 months.

(b) If the facility owner or operator fails to complete removal during the prescribed period of 12 months, the City may take such measures as necessary to complete removal in accordance with this Zoning Ordinance at the expense of the facility owner and operator.

(6) Existing systems. All alternative energy systems in place at the time this section is adopted shall be kept in clean, working order and meet the maintenance, corrective action and removal responsibilities in Subsection J(2) through (6).

§ 600-1013. Swimming pools. [Added 12-16-2013 by Ord. No. 83-2013]

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 aboveground pools, as defined in § 600-2202, must be situated in rear yards so as to provide a minimum of 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 feet in height, such fence having no opening with a dimension greater than four 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 aboveground 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. Aboveground 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 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-foot fence, must have covers that secure to prevent access when not in use.

Part 11
Additional Requirements For Specific Uses Or Zoning Districts

§ 600-1101. Mid-rise or low-rise apartments. [Amended 12-16-2013 by Ord. No. 83-2013]

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

A. Any dwelling unit constructed by or subsidized by an agency of the government of the United States or of the Commonwealth of Pennsylvania and which has restrictions on occupancy by reason of age, income or other unique condition shall meet the minimum habitable floor area standards established by that agency, or, in the absence of such standard, shall meet the standards set forth in Subsection D hereof. Any dwelling unit which, pursuant to this section, is constructed with less habitable floor area than that required by Subsection D shall not thereafter be occupied by persons not having the unique condition upon which the special permit was based unless it is conclusively demonstrated to the Board that the intended change in occupancy will not result in overcrowding or cause an increase in density or traffic congestion.

B. Part 16 allows reduced parking for housing limited to older persons. In addition, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required, as follows:

Publicly or Privately Subsidized Housing	Number of Dwelling Units per space
Low-income elderly	15
Moderate-income elderly	9
Low-income non-elderly	1

Units other than those described, whether located within the same building or within a separate building, shall conform to the off-street parking requirements relevant to their use and size, as specified in this Part.

C. No dwelling units shall be constructed, erected or established that are 50% below the adjacent grade.

D. Each dwelling unit shall contain complete kitchen, toilet, bathing and sleeping facilities and shall have a minimum habitable area as follows:

Apartment	Square Feet
Each apartment shall have a separate bathroom, a separate kitchen and at least one separate bedroom.	
One bedroom	550
Two bedrooms	700
Three or more bedrooms	850

E. Sufficient laundry, drying, garbage pickup and other utility areas shall be provided and screened from view according to § 600-1401.

F. The facade of any building or structure shall not exceed 70 feet in length unless making an angle turn or having an offset of at least five feet within each 70 feet of length.

G. A strip of land at least five feet in width surrounding each building shall be kept completely open except for foundation plantings and sidewalk and driveway crossings, except within the C-C and C-R Districts. Open space adjacent to, around or between buildings not surfaced as walkways, driveways, parking area or utility areas, shall be graded and landscaped.

H. Courtyards bounded on three or more sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of two feet for each one foot in height of the tallest adjacent on-site building, except within the C-C and C-R Districts.

I. Detached vehicle garages that are not part of a dwelling structure, but intended for the use of the residents in addition to all other accessory buildings, shall be located at least 25 feet from the nearest dwelling structure, except within the C-C and C-R Districts.

J. Every building shall have a minimum setback of 10 feet from any and all interior roads, driveways and parking areas and 25 feet from any other building, except such setbacks shall not apply within the C-C and C-R Districts.

K. A ten-foot wide buffer strip with screening shall be provided along all abutting property lines of non-apartment dwellings.

L. Minimum of 10% of the total tract area, exclusive of the required yards, buffer strips and parking areas, shall be designated for active or passive recreational purposes. No recreational area shall be less than 4,000 square feet in area and less than 40 feet in width, except within the C-C or C-R Districts.

M. Driveways, parking areas, dwelling entrance ways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same. Light sources shall be shielded to avoid glare disturbing to occupants of apartments and of adjacent properties.

N. All new on-site electric utility lines shall be installed below ground level.

§ 600-1102. High-rise apartments.

When permitted, high-rise apartments shall conform to the following:

A. Section 600-1101 shall also apply to high-rise apartments, except for § 600-1101F and J.

B. The Zoning Hearing Board may permit an increase in the number of stories of a high-rise apartment after review of the proposal by the Planning Commission if it is determined that the overall density of the area, the character of the area, traffic flow and congestion, and the welfare of the community at large will not be adversely impacted.

C. Storage space having a minimum of 50 square feet and no less than five feet in height shall be provided in each building for each apartment in addition to the habitable floor area requirement.

D. A high-rise apartment shall not be located within 30 feet of any accessory structure or 50 feet of any building on another lot which contains dwelling units, except within the C-C or C-R Districts.

E. No high-rise apartment shall be located less than 20 feet from any interior road, driveway or parking area, except within the C-C or C-R Districts.

F. Accessways shall be limited to two per development, plus one additional accessway for each 150 feet of street frontage.

§ 600-1103. Barber and beauty shops; massage therapy; and nail salons.

A. A state-licensed barber or cosmetologist shall be on the premises during all hours that the use is open, and proof of such license is required to be shown to any state or City employee immediately upon request.

B. A massage therapy business shall have a person on the premises during all hours that the use is open who meets the requirements to conduct such work as provided in Chapter 364, Massage Therapists. Proof of such certification is required to be shown to any state or City employee immediately upon request.

C. A nail salon business shall have a person on the premises during all hours that the use is open who is a state-licensed nail technician, or who holds such successor or equivalent license. Proof of such certification is required to be shown to any state or city employee immediately upon request.

§ 600-1104. Manufactured home parks.

Manufactured (mobile) home parks shall only be allowed as provided in Part 8 and shall conform to the following:

A. All manufactured home parks shall contain a minimum of two acres.

B. Each dwelling space in an approved manufactured home park shall contain a minimum of 5,000 square feet.

C. The maximum density in each manufactured home park shall not exceed five manufactured homes per acre.

D. All manufactured home parks shall provide safe and convenient vehicular access from abutting public streets to each manufactured home space.

E. All interior streets in the manufactured home park shall be paved with a paving material in accordance with City regulations, shall be of adequate width to accommodate anticipated traffic, and shall meet the following minimum requirements:

(1) All internal streets shall have a cartway width of not less than 20 feet.

(2) All cul-de-sac streets shall conform to the criteria set forth in Chapter 515, Subdivision and Land Development.

F. All water supplied to a manufactured home park shall be obtained from the City water system.

G. The sanitary sewage system serving any manufactured home park shall be connected to the City sewage disposal system in a manner approved by the Department of Public Works. All dwellings shall be connected to this system.

H. The installation of electrical, telephone and television cable service lines shall be approved underground methods.

I. Each manufactured home park shall provide fire hydrants within 400 feet of each building. These hydrants shall be at a capacity and pressure approved by the Department of Public Works and the Reading Area Water Authority.

J. All manufactured home parks shall provide screening along all sides abutting public streets or other properties. At least one shade tree (as approved by the Shade Tree Commission) must be planted on each manufactured home lot. Ten percent of all manufactured home parks, exclusive of rights-of-way, shall be provided for recreational use by the residents and open space buffer areas.

K. Each manufactured home lot shall be provided with a minimum of two off-street parking spaces.

§ 600-1105. Auto service stations, auto repair and car washes.

Where allowed in Part 8, the following standards shall be met:

A. The site plan must indicate the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below ground, the number and location of pumps to be installed, the type of structure and accessory buildings to be constructed, and the number of autos to be garaged.

B. Any repair and servicing of motor vehicles shall be performed in a fully enclosed building and no motor vehicle parts or partially dismantled motor vehicles shall be stored overnight outside of an enclosed building.

C. Where such uses abut a residential property in a zone, there shall be a screened buffer strip not less than 10 feet in width. Buffer strips and screening shall be in accordance with § 600-1401 of this chapter.

D. The entire area of the site traveled by motor vehicles shall be paved.

E. Off-street parking areas shall be provided exclusive of pump areas or travel lanes. For auto service stations and auto repair, two parking spaces shall be provided for each service bay.

F. Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable metal stand or rack.

G. No auto service station or auto repair garage shall be located nearer than 300 feet from any school, library or hospital. This is to maintain a safety zone in order to reduce the adverse effects of such activities on the above-mentioned institutions.

§ 600-1106. (Reserved)

§ 600-1107. Additional requirements and performance standards for permitted uses in MU Zoning District. [Amended 2-14-2011 by Ord. No. 8-2011]

A. Wastewater treatment operations. An application for a wastewater treatment operation shall include a general explanation of the treatment processes, including the technologies

involved, noise and odor-mitigating measures, and the receiving water body of the treated effluent. The area of wastewater treatment equipment which is open to precipitation from above need not be counted in the calculation of building and impervious coverage percentages.

B. Law enforcement operations. An application for a firing range shall include a description of the design of the berm/backstop, and other safety measures. Designs shall implement the Environmental Protection Agency's Best Management Practices (BMPs) for lead at firing ranges.

C. Fire and rescue service operations. An application for a live-fire training facility shall include a description of the different training structures/evolutions designed. Water towers, simulation buildings, and other buildings specifically designed for their height, may exceed the building height maximum, where such increased height is related to the instruction or practice of firefighting and/or rescue techniques.

D. Recycling operations. An application for a recycling operation shall include a description of the types and quantities of materials to be collected and the loading areas.

Part 12
Provisions For Special Exception And Conditional Uses

§ 600-1201. Criteria and limitations.

A. No conditional or special exception use shall be approved if it:

(1) Substantially increases traffic congestion along a street or creates a traffic safety hazard.

(2) Creates an undue concentration of population.

(3) Impairs an adequate supply of light and air to adjacent property.

(4) Creates a significant threat to the public health or safety.

(5) Is detrimental to the appropriate use of adjacent property through the generation of significant nuisances or hazards.

(6) Does not meet the requirements of this chapter.

B. Persons with disabilities. After the Zoning Administrator receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a reasonable accommodation to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

(1) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.

(2) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.

(3) Any modification approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

C. Expansions. An existing lawful use that is listed in the applicable zoning district as being a special exception use may be expanded for the same use as a by-right use if all of the following conditions are met:

(1) The total building floor area of the use is not expanded by more than 25%.

(2) The expansion is on the same lot.

(3) The expansion shall be governed by the same conditions, if any, that were previously established by the Zoning Hearing Board, as applicable.

(4) All other requirements of this chapter are met.

D. Modification. Where an application is submitted for conditional use approval, the City Council shall also have the authority as part of the conditional use approval to approve a modification of specific parking, landscaping, buffer strip and/or dimensional provisions of this chapter. Such modification shall only be approved if all requests are made in writing by the applicant as part of the conditional use application. Such modification shall only be allowed if the applicant proves to the satisfaction of City Council that an alternative standard will be applied as a condition upon approval, and that the alternative standard would be more in the public interest than the existing requirement. **[Added 2-14-2011 by Ord. No. 8-2011]**

§ 600-1202. Conditions for special exception uses.

A. Adaptive reuse. This section provides an alternative process to seek zoning approval for new uses of certain buildings. Existing principal commercial, institutional, industrial or manufacturing buildings may be converted to residential use in the C-N, R-2 and R-3 Districts or residential, commercial or office uses in the C-R, C-N and C-H Districts as special exceptions, provided that the following requirements are met as well as any other requirements identified by the Zoning Hearing Board: **[Amended 2-14-2011 by Ord. No. 8-2011]**

(1) A site plan and front facade architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(2) Residential uses shall meet the minimum floor area requirements of § 600-1101D.

(3) The Zoning Hearing Board as part of the special exception approval may grant reasonable modifications to specific dimensional, parking and sign requirements that are necessary to allow reasonable reuse of the building, without needing proof of hardship, provided the Zoning Hearing Board determines such modifications will not adversely affect any adjacent residential neighborhood.

(4) Documents indicating to the Zoning Hearing Board's satisfaction that all parking and vehicle access facilities are adequate and appropriate for the proposed use.

B. Bed-and-breakfast inn. A bed-and-breakfast inn may be permitted as a special exception in the R-1A, R-1, R-2 and R-3 Residential Zones, provided such use is within an existing residential dwelling designed to accommodate transient overnight guests for rent. In addition to any additional stipulations the Zoning Hearing Board may require, the following shall apply:

(1) No more than four persons may occupy one rental unit.

(2) At least one bathroom shall be provided for each two guest rooms in addition to at least one bathroom provided for the principal residential use.

(3) Single-family dwellings that are converted must maintain the appearance of a single-family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front or side wall facing a street.

(4) Any existing historic architectural features visible from a public street shall be maintained.

(5) There shall be no use of advertising visible from outside the premises except a single nonilluminated sign no larger than six square feet (writing on both sides is permitted), constructed and placed in accordance with the requirements of § 600-1703.

(6) The use shall be owned or operated by a resident of the premises.

(7) There shall be no separate cooking facilities in any guestroom. Restaurant facilities open to people who are not staying overnight are not permitted in a residential zone.

C. Cemeteries. Cemeteries shall be allowed as provided in Part 8 and shall meet the following standards:

(1) The use shall meet all dimensional standards of the zoning district.

(2) Cemeteries may include mausoleums, crypts and tombs above and below ground level.

(3) A ten-foot wide landscaped strip shall be provided abutting existing dwellings.

(4) Any building (including a mausoleum) shall meet principal building setback requirements.

D. Day-care facilities. Day-care facilities, which include day-care homes and day-care centers, where permitted, shall meet the following standards along with any other requirements deemed necessary by the Zoning Hearing Board:

(1) Day-care homes, for children and adults, where allowed in Part 8 as an accessory use, shall meet the following requirements:

(a) There may be permitted up to six children in family child day-care homes, and up to six adults in adult day-care homes in addition to sons or daughters of the on-site caregiver.

(b) Where Zoning Hearing Board approval is required, the Board shall determine whether the use will be detrimental to the surrounding area and the design of any structures erected in connection with such use shall be in keeping with the general character of the area, and such lot shall meet the requirements of the available zone as set forth in Part 8 of this chapter.

(c) A minimum of 480 square feet of habitable floor area exclusive of halls, bathrooms, offices, kitchens, locker rooms, and related areas must be maintained on the premises.

(d) In a residential district, the use shall not operate in a manner perceptible to the neighbors between 11:00 p.m. and 6:00 a.m. **[Added 2-14-2011 by Ord. No. 8-2011]**

(2) Day-care centers, for children and adults as a principal use, and group child-care homes where allowed in Part 8 shall meet the following standards:

(a) There may be permitted seven or more children in a child day-care center, seven or more adults in an adult day-care center, and between seven and 16 children in a group child-care home.

(b) Where special exception approval is required, the Zoning Hearing Board shall determine whether such structure or use will be detrimental to the surrounding area and such lot shall meet the requirements of the available zone as set forth in Part 8 of this chapter.

(c) A minimum of 400 square feet of fenced outdoor play area shall be provided, unless the facility is within 500 feet of a public playground that is available for use by the children. **[Added 2-14-2011 by Ord. No. 8-2011]**

(3) The following standards are for all day-care facilities:

(a) Prior to grant of an certificate of occupancy, the applicant shall present evidence that any required state license or certification has been obtained.

(b) There shall be provided off-street parking for all vehicles used directly in the operation of such plus parking required by § 600-1603A(9). In addition, a secure area must be provided to ensure the safe transferal of patrons to and from the premises. **[Amended 2-14-2011 by Ord. No. 8-2011]**

(c) The Zoning Hearing Board shall consider the proximity of other day-care facilities on the same block in order to review the availability and demand of parking. In considering the suitability of the property, the Zoning Hearing Board may also consider the total number of children who will be cared for at one time in a dwelling. **[Added 2-14-2011 by Ord. No. 8-2011]**

E. Colleges, universities, primary and secondary schools and trade/hobby schools. Such uses shall be allowed as provided in the zoning district regulations. Dormitories shall only be allowed where specifically provided in the zoning district regulations.

(1) A detailed plot and complete set of architectural plans, drawn to scale, indicating the location and untended use of existing and proposed buildings, location of recreation areas, the relationship of the proposed use to existing streets and adjacent properties. The application shall indicate the grade levels of the pupils to be housed in the buildings, the planned student capacity of such buildings and the contemplated eventual enrollment of the school.

(2) No driveway shall open onto a public street within 50 feet of an intersection of two public streets.

(3) Illumination for night athletic activities shall be shielded from illuminating residential areas. See § 600-912.

F. Amusement arcade. The following standards shall be met:

(1) No amusement arcade shall be located within 300 feet of a residential district or sexually oriented business.

(2) No amusement device shall be audible beyond the premises within which it is situated.

(3) One off-street parking space for each 100 square feet of net floor area.

G. Home occupations, major. The provisions in § 600-1006 shall apply.

H. Hospitals and centers for the care of children. Hospitals and centers for the care of children may be allowed as provided the following standards are met:

(1) A statement setting forth full particulars on the operation to be conducted within the structure shall be filed by applicant with the Zoning Administrator.

(2) No structure shall be erected nearer than 50 feet of any street line nor nearer than 30 feet of any property line; and all other requirements as set forth in this chapter for the zone in which it is to be located shall be observed.

(3) Buffer strips as required by § 600-1401 shall be provided where the use abuts dwellings that are not in common ownership.

I. Kennels. Kennels shall be allowed as provided in Part 8, provided that the following conditions are met in addition to any conditions set forth by the Zoning Hearing Board:

(1) No kennel shall be situated within 600 feet of a residential building.

(2) A valid kennel license shall be secured from the Pennsylvania Department of Agriculture for all facilities as applicable.

J. Life-care retirement facility and nursing home. Such uses shall meet the following standards, all requirements therefor under this chapter, and any other conditions set forth by the Zoning Hearing Board:

(1) A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(2) The life-care retirement facility and nursing home must meet the standards of the City of Reading Building, Plumbing, Mechanical, Electrical and Fire Codes (Chapter 180, Construction Codes) as required for the type of use. The owner must verify to the Zoning Administrator on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

(3) Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.

(4) No basement or cellar shall be used as a habitable bedroom except by special exception approval or variance.

(5) No life-care retirement facility and nursing home shall be located within 500 linear feet of any other lot on which is established a life-care retirement facility and nursing home or residential care facility, except by variance, measured by the shortest distance between the two lots where the proposed life care retirement facility and nursing home is located (including, but not limited to, each existing life-care retirement facility and nursing home or residential care facility use located in any

district which is of a different designation than the district in which the new life-care retirement facility and nursing home use is proposed).

(6) See parking in Part 16.

(7) The use shall acquire the necessary certificate, sanction and/or license by the Commonwealth of Pennsylvania.

K. Nursing homes. See "life-care retirement facility and nursing home" in this section.

L. Parks, playgrounds and public buildings. This term includes parks and playgrounds operated by the federal, state or local government or nonprofit organizations as well as public buildings operated by governmental agencies. Such uses shall meet the following additional standards:

(1) A statement shall set forth full particulars on the operation of the use. If applicable, evidence may be required that a nonprofit organization is legitimate.

(2) The proposed use shall be operated by a governmental agency or bona-fide nonprofit organization operated solely for public use or for the recreation and enjoyment of members of such organization.

(3) Sufficient landscaping including trees, shrubs, and lawn shall be provided to serve as a buffer between such use and adjoining properties, and to insure an attractive appearance for the use.

(4) The appropriate area and number of off-street parking spaces shall be established and met as set forth in § 600-1603. Parks, playgrounds and game courts shall be required to have one space per 5,000 square feet of outdoor recreation area.

M. Pawn shops. Pawn shops shall only be allowed where provided by the zoning district regulations, and provided that the following conditions are met in addition to any stipulations set forth by the Zoning Hearing Board:

(1) All pawn shops shall provide proof of all applicable permits and licenses.

(2) All pawn shops shall be registered with the City of Reading Police Department.

(3) All signage shall conform to the sign requirements of that zoning district.

(4) Prior to the receipt of pawned or purchased used items with a retail value of more than $5, the operator of the pawn shop shall require that a photo identification be shown and the pawn shop operator shall maintain a written list of the name of such person and a description of the items. Such list shall be available for inspection by a City Police Officer.

N. Places of worship. The proposed use shall be a bona fide nonprofit religious use. Places of worship shall be allowed as provided in the zoning district regulations provided that where special exception approval is required, the following additional standards shall be met:

(1) A new place of worship shall not be allowed in the R-1, R-2 or R-3 Districts in building space that is attached to a principal dwelling on another lot, unless such adjacent lots are in common ownership.

(2) The intended use in the proposed location will not adversely affect the comfortable enjoyment of property rights and otherwise adversely affect the value of adjacent properties; that the design of any structure to be erected in connection with such use is in keeping with the general character of the area; and that sufficient landscaping, including trees, shrubs and lawn are provided to appropriately buffer these from adjoining properties and to insure an attractive appearance for the use.

(3) No new place of worship with a seating capacity of 300 persons or more shall front on a minor street as defined in Part 2 of Chapter 515, Subdivision and Land Development.

(4) If a place of worship is on a lot of greater than 10,000 square feet, then a child day-care center shall be a permitted by right accessory use. If a place of worship is on a smaller lot, then all of the requirements for a day-care center shall be met.

O. Private surface parking facilities (lot or structure). Private surface parking facilities shall meet the following additional standards:

(1) The facility is to be used primarily for the parking of passenger automobiles.

(2) The facility shall not be used for the sales, long-term storage, repair or servicing of automobiles.

(3) Entrances to and exits from the facility are to be located to respect the character of the area.

(4) No advertising sign may be located on the facility.

(5) There shall be provided curbing, a wheel block securely anchored into the ground or similar measure for each peripheral parking space.

(6) The parking facility shall be adequately screened from the street and adjoining properties as required by § 600-1402 of this chapter.

(7) All surface parking facilities shall meet the design and construction standards set forth in § 600-1602 of this chapter.

P. Swimming pools as a principal use. Swimming pools owned and/or operated by the City of Reading, swimming pool associations, or a club shall be allowed as provided in the zoning district regulations, and shall meet the following standards are met and any other requirements as are deemed necessary by the Zoning Hearing Board where the use requires special exception approval:

(1) A statement setting forth full particulars on the operation.

(2) Sufficient landscaping including trees, shrubs, and lawn shall be provided to serve as a buffer between such use and adjoining properties, and to insure an attractive appearance for the use.

(3) The appropriate area and number of off-street parking spaces shall be established and met.

Q. Telecommunications towers and facilities. Telecommunications towers and facilities shall be allowed as provided in the zoning district regulations, provided they meet the standards

outlined in Part 21 of this chapter in addition to any stipulations set forth by the Zoning Hearing Board. See § 600-2106C(3) for antenna attached to a building.

R. Roommate housing arrangements (as defined in § 600-2202, "roommate households"). When exceeding three nonrelated persons living in one dwelling unit, require review and approval by the Zoning Hearing Board as a special exception review. The applicant must present to the Hearing Board:

(1) A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(2) The roommate housing arrangement must meet the standards of the City of Reading Building, Housing and Fire Codes (Chapter 180, Construction Codes) as required for residential rental properties. The owner must verify to the City of Reading on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

(3) No cooking facilities of any kind shall be located in any room except the central kitchen.

(4) Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.

(5) No basement or cellar shall be used as a habitable bedroom except by special exception approval or variance.

(6) No roommate housing arrangement shall be located within 800 feet of another roommate housing arrangement except by special exception approval or variance.

§ 600-1203. Conditions for conditional uses.

A. Adult business. See "sexually oriented business" in this section.

B. Boarding houses. Such uses shall only be allowed where listed in the zoning district regulations, provided that the following conditions are met in addition to any conditions set forth by City Council:

(1) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(2) One off-street parking space shall be provided for each two occupants of the dwelling.

(3) Each boarding house shall contain complete bath facilities and a central kitchen with complete cooking and washing facilities. The facilities shall be available to the occupants of the boarding house at all hours. No cooking facilities of any kind shall be located in any room except the central kitchen.

(4) The applicant shall document to City Council that the boarding house meets all of the plumbing, electrical, heating, building, fire and similar standards set by the City and by the Commonwealth of Pennsylvania.

(5) Every rooming unit shall contain a minimum of 150 square feet of floor area and may be occupied by one person. In every rooming unit, the bedroom thereof shall contain at least 70 square feet of floor area.

(6) In any dwelling in which water closet, lavatory basins, bathtubs or shower facilities are shared by the occupants of more than one rooming unit, such facilities shall be so located within the dwelling as to be accessible without going through another dwelling unit or rooming unit.

(7) No basement or cellar shall be used as a habitable room or dwelling unit unless:

(a) Floors and walls are substantially watertight.

(b) The total window area, total open area and ceiling height are in accordance with Chapter 180, Construction Codes.[37]

(c) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells and accessways.

(8) See also provisions for roommate housing arrangements, which is a separate use.[38]

C. Bottle clubs. Bottle clubs shall only be allowed where listed in the zoning district regulations, and provided the following standards are met along with any other conditions set forth by City Council:

(1) Parking requirements shall be met as set forth in § 600-1603 of this chapter.

(2) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(3) A statement must be presented setting forth the full particulars of the use, including the hours of operation and any proposed entertainment and dancing.

(4) The applicant must demonstrate that the proposed use in the intended location will not adversely affect the value, or the safe and comfortable enjoyment of property rights for adjacent property owners.

(5) Any building of a bottle club shall not be located within 1,000 feet of any primary or secondary school, place of worship, day-care facility, municipal park, playground, library, sexually oriented business, or other bottle club.

(6) After-hours clubs that allow on-site consumption of alcoholic beverages between 2:30 a.m. and 6:00 a.m. in return for an admission charge or an annual membership fee are effectively prohibited by State Act 219 of 1990, as amended (18 Pa.C.S.A. § 7327).

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37. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

38. Editor's Note: See § 600-1202R.

In the event that such use would be determined to be allowed, a two-hundred-foot setback shall apply from the building and any parking areas from any residential zoning district. The applicant shall prove that adequate on-site security will be in place.

(7) See also Chapter 127, Alcoholic Beverages, of the Code of the City of Reading, or the successor chapter. Where that provision and this chapter may differ, the strictest provision shall apply.

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. 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 600-804. **[Amended 2-14-2011 by Ord. No. 8-2011; 12-16-2013 by Ord. No. 83-2013]**

(1) A site plan, drawn to the scale, showing the location and dimensions of all off-street parking, private entrances, walkways and landscaping, shall be submitted, as well as architectural plans showing the dimensions and square footage of all rooms and storage spaces and indicating the intended use of all rooms.

(2) The conversion shall have the minimum floor area as designated by the following schedule:

Apartment	**Square Feet**
Efficiency or studio	Not allowed
One-bedroom	550
Two-bedroom	700
Three or more bedroom	850

(3) For each dwelling unit, there shall be a minimum 1 1/2 off-street parking spaces per unit.

(4) Documents indicating to the City Codes staff's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use. The entire building shall also be made available for a code inspection.

(5) See also the requirements of Chapter 308, Housing, including but not limited to requirements for the designation of a local agent if the owner does not live locally.

E. Fire and ambulance stations. A fire and/or ambulance station may be permitted as provided in the zoning district regulations, provided that the following standards are met:

(1) A proposed social hall and/or benefit association shall be considered as an additional "principal use" for the purposes of this Part.

(2) A complete plan of proposed traffic signalization and disruption devices, lighting, alarms, sirens, public address systems, and other infrastructure commonly associated with fire or ambulance stations, shall be provided to the Planning Commission as part of the review required by § 303.a.2. of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10303.a.2, and/or land development plans.

(3) Firefighting, ambulance and rescue vehicles and apparatus may be staged/displayed within their station's front yard. Fire and ambulance stations are hereby exempted from the driveway width standards set forth in § 600-1503B(2) and C(1), and the setback consideration of § 600-1602B.

F. Bus shelter. The applicant shall seek input from the local public bus service provider regarding bus stops. Any transit shelter shall be placed such that it does not impede the normal pedestrian functions of the sidewalk.[39] **[Amended 8-26-2013 by Ord. No. 35-2013]**

G. Junkyards. Junkyards may be allowed in the H-M Zone and shall need conditional use approval; provided, that the following conditions are met in addition to any stipulations set forth by City Council:

(1) All junkyards shall establish and maintain a fifty-foot wide buffer strip in accordance with § 600-1401 of this chapter. No junk material or accessory structures shall be stored or placed in the setback area.

(2) All junk shall be completely screened from public streets and adjacent off-street parking areas by fencing, landscaping and other appropriate measures, in accordance with the provisions established in § 600-1402 of this chapter, and City Planning recommendations.

(3) All junk shall be stored or arranged to permit access by emergency equipment and personnel, and to minimize the accumulation of water.

(4) Any junkyard shall be maintained in such a manner to minimize public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.

H. Public utilities. Public utility uses such as telephone equipment centers and electric substations (but not including service storage yards), may be allowed where provided in the zoning district regulations, provided that the following standards are met:

(1) The entity shall be regulated by the Pennsylvania Public Utilities Commission.

(2) The proposed installation in a specific residential location is necessary for efficient service to the public in the neighborhood or area in which the particular use is to be located.

(3) The design of any building in connection with such a facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights.

(4) Approved fencing and other security devices shall be provided.

(5) A buffer strip 10 feet in width and screening are provided and shall be continually maintained in accordance with Part 14 of this chapter.

(6) Adequate off-street parking is provided.

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39. Editor's Note: Original Subsection B, relating to sidewalks, which immediately followed this subsection, is now included as § 600-1505.

(7) All area yard and building coverage requirements of the zoning district in which the use is located shall be met.

(8) These provisions shall not apply to sanitary sewage pumping stations, which shall be considered a municipal use.

I. Residential care facility, including group care facilities and group care institutions. See the zoning district regulations concerning which types are allowed in various districts.

(1) The following standards shall be for all residential care facilities:

(a) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(b) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day-care home, or day-care center.

(c) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.

(d) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.

(e) The sponsoring entity shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.

(f) See also § 600-1201B.

(2) The following standards are for all group care facilities:

(a) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.

(b) No group care facility shall have more than nine residents at any given time, not including live-in supervisors. **[Amended 12-16-2013 by Ord. No. 83-2013]**

(c) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.

(d) No more than two live-in supervisors shall reside in the group care facility.

(e) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.

(3) The following standards are for all group care institutions.

(a) The group institution, by design and intent, shall provide for the long-term needs of its residents and shall not accommodate the needs of transient individuals.

(b) A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.

(c) At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

(d) The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

J. Sexually oriented businesses. Sexually oriented businesses shall only be allowed where provided under the zoning district regulations and shall need conditional use approval and shall meet the following standards, along with any other conditions set forth by City Council:

(1) Such businesses shall include, but not be limited to, book and video stores, movie theaters, cabarets and massage parlors.

(2) No sexually oriented business shall be established within 1,000 feet of a place of worship, a primary or secondary school, lot line of a dwelling, residential zoning district boundary, child day care, nursery school, park, playground, recreation trail, recreational facility open to community use, or existing sexually oriented business.

(3) No pornographic material or other material deemed offensive to the general public shall be visible from the outside of the premises.

(4) Any use established or approved after the effective date of this chapter shall not be open to customers or patrons between the hours of 12:00 midnight and 6:00 a.m.

(5) See also Chapter 473, Sexually Oriented Businesses, of the Code of the City of Reading, including, but not limited to, the statement of purposes and findings.

K. Student home. Student homes in the R-1A, R-1 and R-2 Districts are permitted only in an existing lawful apartment dwelling, as per §§ 600-801, 600-802 and 600-803. 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." **[Amended 12-16-2013 by Ord. No. 83-2013]**

(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 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.

(4) A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(5) The housing arrangement must meet the standards of the City of Reading Building, Housing and Fire Codes (Chapter 180, Construction Codes) as required for residential rental properties. The owner must verify to the Zoning Administrator on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

(6) No cooking facilities of any kind shall be located in any room except the central kitchen.

(7) Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.

(8) No basement or cellar shall be used as a habitable bedroom except by special exception approval or variance.

(9) No student home shall be located within 500 linear feet of any other lot on which is established a student home, except by variance, measured by the shortest distance between the two lots where the proposed student home is located (including, but not limited to, each existing student home use located in any district which is of a different designation than the district in which the new student home use is proposed).

(10) A one-family dwelling used as a student home shall have a floor area of at least 1,000 square feet, exclusive of basements, garages and accessory buildings.

(11) A student home shall meet the area and bulk requirements for the type of dwelling in the applicable zoning district where such use is proposed.

(12) The owner of the student home, or the agent or manager of the student home, shall annually register the student home with the Codes Enforcement Division on a form provided by the City of Reading. If the owner of the student home fails to maintain a current registration of his or her student home, the Codes Enforcement Division in conjunction with the Zoning Administrator shall enforce such condition in accordance with § 600-201 et seq. of this chapter.

(13) If the one-family dwelling where the student home is proposed cannot meet the parking requirements set forth in § 600-1603A(36) herein, the governing body may still authorize the conditional use with the condition that the number of occupants which may reside at the student home shall be limited to the number of off-street parking spaces provided for the dwelling.

(14) See the regulations of the R-1A, R-1 and R-2 Districts, which may limit the types of dwellings that may be used as a "student home."

L. Taverns and nightclubs. Taverns and nightclubs shall be allowed as provided in Part 8 of this chapter, in addition to any conditions set forth by the City Council where conditional use approval is needed:

(1) For the purpose of this chapter, taverns are reputable, PLCB licensed establishments designed primarily for the on-site consumption of alcoholic beverages by consenting adults.

(2) The term "taverns" also includes bars, pubs, beer gardens, cocktail lounges, saloons, and taprooms. See the definition of "nightclub."

(3) Except in the C-C District, no tavern or nightclub shall be located within 500 feet of another tavern or other PLCB-licensed establishment.

(4) Except in the C-C District, no tavern or nightclub shall be located within 1,000 feet of a school, place of worship, playground, hospital, day-care facility, residential care facility or charitable institution.

(5) All taverns or nightclubs shall hold a valid license for the premises in which the establishment is located.

(6) All taverns and nightclubs, except for food sales, if the establishment holds a state-extended hours food license, shall only operate between the hours of 7:00 a.m. and 2:00 a.m. the following day.

(7) No tavern or nightclub shall contain less than 300 square feet of usable floor area.

(8) Entertainment shall be permitted as an accessory use.

(9) All taverns and nightclubs shall comply with all state and local codes regulating such establishments.

M. Treatment center.

(1) See definition.

(2) The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional conditional use approval.

(3) The applicant shall prove to the satisfaction of the City Council that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable county, state, federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.

(4) City Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

(5) A methadone treatment center or other drug treatment center or a use involving housing of two or more persons required to register their place of residence under Megan's Law II, 42 Pa.C.S.A. § 9791 et seq., shall be set back a minimum of 500 feet from each of the following: a primary or secondary school, a public park or playground, or a child day-care center.

(6) See also § 600-1201B.

§ 600-1204. Conditional use applications and procedures. [Added 10-24-2011 by Ord. No. 53-2011]

A. Application. Applications for approval of a proposed conditional use shall be made in writing and submitted in triplicate on forms prepared and provided by the City of Reading. The application shall be accompanied by payment of the applicable fee as determined and approved from time to time by ordinance of City Council[40] and a copy of the deed to the subject property. Such forms shall require, but shall not be limited to the following information:[41]

(1) The name, address and signature of the applicant or appellant.

(2) The name and address of the owner of the property.

(3) A brief description and location of the property to be affected by such proposed change or appeal.

(4) A statement of the present zoning classification of the property in question and the present use thereof.

(5) 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.

(6) 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 conform to the requirements for plans and specifications specified for a zoning permit application in § 600-301D of this chapter.

(7) Such other information necessary to allow the City Council to determine that all requirements of this chapter have been met.

(8) The application shall be signed and sworn to by the owner of such property.

B. When the application is deemed by the Zoning Administrator to be complete, the Zoning Administrator shall determine whether or not the conditional use sought is one which is specifically authorized as a conditional use in the zoning district wherein the applicant is seeking a conditional use. If the Zoning Administrator determines that the conditional use sought is not one which is specifically authorized in the applicable zoning district, the application shall be denied and a written report of such finding shall be submitted to the Zoning Hearing Board and City Council. Any applicant aggrieved by such determination of the Zoning Administrator shall have the right to appeal said determination to the Zoning Hearing Board in accordance with the procedures set forth in §§ 600-406 through 600-410 of this chapter.

C. If the Zoning Administrator has determined that the conditional use sought is one which is specifically authorized as a conditional use in the zoning district wherein the applicant's property is located, one copy of the application shall be forwarded to the City Planning Commission for its review; one copy shall be retained by the Zoning Administrator and one copy shall be forwarded to the City Clerk for review by City Council or its

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40. Editor's Note: See Ch. 212, Fees.

41. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

designated member or independent attorney appointed as a hearing officer pursuant to 53 P.S. § 10913.2.

(1) The application shall be reviewed at one or more advertised hearings of City Council or its designated hearing officer with the initial hearing being commenced within 60 days of receipt of the completed application, unless the applicant agrees in writing to an extension of time. Each subsequent hearing shall be held within 45 days of the prior hearing. The City Council shall either approve or disapprove the application in writing within 45 days after the date of the final hearing. If a hearing officer is so designated and appointed by City Council, the hearing officer shall submit written findings and recommendations to City Council in sufficient time to permit a decision by Council or findings, where no decision is called for, within the allotted time for decision as provided herein.

(2) Notices of all hearings shall be given in accordance with the requirements of § 600-410A of this chapter.

(3) The hearing shall be conducted by the designated hearing officer or City Council in accordance with the same procedures and safeguards as those specified in § 600-410D through L of this chapter. **[Amended 3-23-2015 by Ord. No. 13-2015]**

(4) The decision and/or findings of City Council shall be made in accordance with the same requirements as those set forth for the Zoning Hearing Board in § 600-412 of this chapter. **[Amended 3-23-2015 by Ord. No. 13-2015]**

(5) Notice of the decision and/or findings by the hearing officer or City Council shall be made in accordance with the same requirements as those set forth for the Zoning Hearing Board in § 600-413.

(6) In the case of a proposed conditional use that may be subject to additional regulation and control by state or federal regulation(s) or statute(s), City Council may defer a final decision for up to 30 additional days or longer upon receipt of written request therefor from the applicant.

(7) (Reserved)[42]

(8) The granting of permission to conduct a conditional use does not exempt the applicant from acquiring all approvals required by Chapter 515, Subdivision and Land Development, of the Code of the City of Reading.

(9) All appeals from the decision of City Council shall be made in compliance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

D. Standards. Conditional uses shall meet the specific standards established for each use by this chapter and all other applicable zoning district requirements and general regulations established by this chapter. In addition, the following standards shall be met:

(1) The use shall be one which is specifically authorized as a conditional use in the zoning district wherein the applicant is seeking a conditional use.

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42. Editor's Note: Former Subsection C(7), regarding cases where a hearing officer is appointed, was repealed 3-23-2015 by Ord. No. 13-2015.

(2) Services and utilities shall be made available to adequately service the proposed use.

(3) The use will not generate traffic such that hazardous or unduly congested conditions will result.

(4) The use is appropriate to the site in question.

(5) The use shall not adversely affect the character of the general neighborhood, or the health and safety of residents or workers on adjacent properties and in the general neighborhood.

(6) The applicant shall demonstrate, as a condition to approval of his application, that the standards in this subsection and those specified elsewhere in this chapter for the use in question would be met.

(7) The City Council may impose such additional safeguards as are necessary to protect the public health, safety and welfare.

Part 13
Fences And Walls; Sight Triangles

§ 600-1301. Fence and wall permits. [Amended 2-14-2011 by Ord. No. 8-2011]

No fence, wall or similar structure greater than three feet in height shall be erected without first obtaining a permit from the Zoning Administrator. The height of fences and walls shall be measured based upon the total height above the ground, such as if a two-foot tall fence is constructed on top of a two-foot tall wall, the structure shall be considered four feet high. See also Chapter 180, Construction Codes, for requirements for any retaining wall.

§ 600-1302. Fence and wall heights.

Fences, walls and similar structures in the minimum front yard of a residential or R-PO District shall not exceed four feet in height. In all other cases, fences, walls or similar structures exclusive of ornamentation shall not exceed six feet in height in any district, except: the Manufacturing or C-H Districts as provided in Subsection A below; or where the applicant proves to the satisfaction that the taller fencing is needed to secure an electric substation or similar safety or health hazard. Decorative posts and similar ornamentation of a fence or wall may extend an additional one foot above the maximum height, provided the ornamental features are not continuous in a way that effectively extends the overall height of the fence or wall.

A. Fences in Manufacturing or C-H Districts may be taller than six feet; provided that such fences shall not exceed eight feet in height if the fence is to be located within 20 feet from a residential zone or a residential use.

§ 600-1303. Required sight triangle.

On a corner lot, no building, fence, wall, fence-like or wall-like structure shall be erected or permitted which exceeds a height of 30 inches above the elevation of the intersecting streets and is located within a sight triangle measured 75 feet from the point of intersection of the center lines. Features that have a clearance of greater than 10 feet shall not be regulated, such as the trimmed canopy of a shade tree or the sign face of a pole-mounted sign. A fence that allows more than 75% visibility through it (such as a typical open chain-link fence) shall not be regulated by this section.

A. Where two alleys intersect or a street intersects with an alley, a similar sight triangle shall apply based upon the following lengths:

   (1) One side of the triangle shall be measured 15 feet along the right-of-way line of any street.

   (2) One side of the triangle shall be measured 10 feet along the right-of-way line of any alley.

   (3) Where two alleys intersect, the two shorter sides of the triangle shall only be five feet in length.

   (4) The longer side of the triangle shall connect lines drawn under Subsection A(1), (2) or (3).

(5) In the case of a rounded property corner, the two shorter sides of the triangle shall be drawn from the intersection of the property lines extended.

B. On any lot where a private driveway enters a street, no obstruction between 30 inches above curb level and 10 feet above curb level shall be located within the triangular area formed by the street right-of-way line, the private driveway paving and a line connecting them at points 10 feet from their intersection.

C. A utility pole or a pole for a permitted sign may be located within a clear sight triangle, provided it does not have a diameter greater than 20 inches. A trunk of an existing tree may continue to be located in a clear sight triangle, provided the adjacent landowner trims the branches to minimize sight obstructions.

D. An existing building may be replaced with a new building without needing a larger setback to comply with this subsection.

E. See also Chapter 515, Subdivision and Land Development, which may require a larger sight triangle in cases regulated by such chapter.

§ 600-1304. Prohibited fences, walls, materials or similar structures.

The following fences, walls, similar structures or fencing and wall materials shall be prohibited:

A. Barbed wire.

(1) When the fence, wall or similar structure is located in any residential district associated with a residential use, or abuts a residential property; is located in the C-N or R-PO Zones; or is located in a front yard area or abuts a street (as defined in Chapter 515, Subdivision and Land Development) in the C-C and C-R Zones.

(2) When the barbed wire would be located less than six feet above grade.

(3) When the barbed wire would extend beyond the exterior facade of the fence, wail or similar structure.

(4) When the fence, wall, or similar structure is not properly buffered in accordance with § 600-1401 of this chapter.

B. Fabric.

C. Electrically charged fences, other than invisible fences for animals.

D. Broken glass affixed to or on any wall, fence or similar structure.

E. Junk, including but not limited to discarded vehicles, appliances, and anything not in accordance with Chapter 180, Construction Codes, requirements.

F. Razor wire, except around a prison or correctional institution.

§ 600-1305. Temporary fences, walls or similar structures.

Temporary fences, walls or similar structures may be used on construction sites, provided such fences, walls or similar structures are removed upon completion of the construction project.

The Zoning Administrator may request a timetable for construction from the contractor. All temporary fences, walls or similar structures shall meet the requirements of that zoning district.

§ 600-1306. Exceptions.

This Part 13 shall not regulate fences or walls around a City-owned use, public park, public playground, public school properties or water or sewage facilities.

Part 14
Buffer Strips And Screening

§ 600-1401. Buffer strips.

A. A buffer strip shall be provided where required by another section of this chapter or where a new or expanded principal nonresidential use is proposed abutting an existing principal residential use on another lot in a residential district. Where required, a buffer strip shall meet the following: **[Amended 2-14-2011 by Ord. No. 8-2011]**

(1) Be established and maintained along the side and rear lot lines that are not abutting a street and that are adjacent to a residential district.

(2) Be free from buildings, structures, accessory buildings, signs, driveways, parking areas, outdoor storage areas, recreation facilities and all activity areas, except for any necessary perpendicular crossings.

(3) Be landscaped with primarily evergreen trees and shrubs in addition to lawn or other attractive vegetative ground cover.

(4) Be at least six feet in width, unless a wider width is specified by another section of this chapter.

B. In addition, a buffer strip along a public street or lot line of a dwelling shall be required where three or more tractor-trailers or trailers of tractor-trailer combinations will be kept overnight on a regular basis and will be visible from the street or dwelling.

C. In addition, a six-foot minimum width buffer strip along a public street shall be required where new parking spaces for eight or more vehicles are proposed to be adjacent to and visible from a public street. Such buffer strip shall include plants with an anticipated mature height of four feet and deciduous shade trees. Such buffer shall be designed so that it is possible to have views into the parking area for security reasons. Such buffer strip and trees may be allowed by the City to intrude into the right-of-way width, provided sufficient sidewalk width remains for pedestrians and wheelchairs.

D. Where a buffer strip is required under Chapter 515, Subdivision and Land Development, such SALDO requirement shall apply instead of this chapter requirement. In such case, the Planning Commission may approve a modification under the SALDO.

§ 600-1402. Screening.

Screening shall be provided and maintained in all buffer strips so as to provide a visual barrier to reduce views from various operations and features from a public street or adjacent dwellings. All utilitarian areas such as delivery and service areas, truck parking areas, outdoor storage areas, and waste disposal storage and pickup areas for principal business uses shall be screened. Except for screening required by § 600-1401C above, screening, where required, shall consist of the following:

A. Dense hedges of shrubbery or evergreens at least four feet in height, planted with spacing that can reasonably be expected to result in a continuous visual screen with minimum height of six feet within three years. Where the width of the buffer strip allows, the plants shall be placed in staggered rows to allow room for future growth.

B. Where the Zoning Administrator determines that a noise conflict may occur, the screening shall also be accompanied by a durable fence or masonry wall at least 70% solid of uniform color(s) and with a height of six feet.

Part 15
Private Roads, Driveways And Parking Areas; Sidewalks

§ 600-1501. Private roads and driveways.

A. All private roads and driveways shall be approved by the Department of Public Works.

B. All private roads and driveways shall be properly maintained by the property owner.

§ 600-1502. Private parking areas.

A. All private parking areas shall be constructed to standards in § 600-1602.

B. All private parking areas shall be properly graded, constructed and surfaced. Adequate stormwater runoff measures must be approved by the Department of Public Works and Codes Services Office.

C. All private parking areas, including all required landscaping and/or buffering, shall be properly maintained.

D. All private parking areas shall have direct access to a public street, unless use of a private street, parking court or similar feature is approved by the City, with guaranteed rights of access.

E. Any new, relocated or expanded driveway or parking lot entrance or exit onto a public street shall need review and approval by the City Department of Public Works or their designee. Such entrances and exits shall comply with Parts 15 and 16 of this chapter.

§ 600-1503. Private driveways.

A. All private driveways shall have clear sight triangles as determined in § 515-502F(7) of Chapter 515, Subdivision and Land Development.

B. Driveways in residential districts and/or for residential uses shall not be less than 40 feet from any street intersection, measured from the point of intersection of the respective curblines, nor less than 15 feet from any intersection of a street and an alley.

   (1) Residential driveways shall not be less than eight feet or more than 14 feet in width, unless specifically approved otherwise by the City or PennDOT.

   (2) Commercial driveways for two-way traffic shall be 20 feet in width, unless specifically approved otherwise by the City or PennDOT.

C. Driveways in commercial or manufacturing districts (other than for residential uses) shall be no closer than 50 feet to the nearest curbline intersection of two streets.

   (1) Driveways in commercial or manufacturing zones shall not be less than 20 feet nor more than 36 feet in width at the curbline, unless specifically approved otherwise by the City or PennDOT.

   (2) Driveways for two-way traffic shall have a minimum width of 20 feet, unless specifically approved otherwise by the City or PennDOT.

D. Section 600-1502E shall apply.

§ 600-1504. Access driveways. [Amended 2-14-2011 by Ord. No. 8-2011]

Each lot shall not have more than two access driveways onto any one street, unless specifically approved otherwise by: PennDOT along a State road; or by the City as part of a subdivision or land development. Insofar as possible, the use of common accessways by two or more adjoining premises shall be encouraged in order to reduce the number of access points along the street.

§ 600-1505. Sidewalks.[43]

A. Sidewalks shall be provided adjacent to public streets and from any adjacent arterial street to a pedestrian entrance of the use. At least one ADA-accessible pedestrian path shall be provided from a main pedestrian entrance through the main on-site parking area. This pedestrian path shall be demarcated by pavement markings or differing colors or materials and be separated from adjacent parking spaces by curbing, curb stops or similar barriers.

B. Pedestrian sidewalks shall be provided in front of and along all public pedestrian entrances to business buildings and all bus unloading locations. Pedestrian routes and customer and employee parking areas shall be sufficiently illuminated for safety and security. Pedestrian routes and sidewalks shall be a minimum of five feet in width. Crosswalks shall be well marked and be ADA-accessible.

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43. Editor's Note: Added during codification (see Ch. 1, General Provisions, Part 2).

Part 16
Off-Street Parking And Loading

§ 600-1601. New and existing uses.

Adequate off-street parking spaces and loading areas shall be provided for all new construction and uses where required.

A. Every parcel or lot used as a public or private parking garage, lot or loading area and all off-street parking and loading areas shall be developed, maintained and used in accordance with the provisions set forth in this section.

B. All uses shall meet the off-street parking and loading requirements set forth in this section, except that there shall be no off-street parking required for nonresidential uses in the C-C and C-R Zoning Districts.

§ 600-1602. Design and construction.

A. All parking areas shall be: adequately graded; properly drained; permanently surfaced with concrete, macadam or paving block, or other paving material approved by the City Engineer (such as porous concrete or porous asphalt); and maintained adequately. Stone, dirt and similar loose materials are not permitted, except that the City Engineer may approve crushed stone parking in specific areas of occasional and/or seasonal use and/or in public recreational areas. A lawful existing stone driveway and/or parking spaces for a single-family detached dwelling is not required to be paved, provided it is maintained in stone.

B. Where a rear or side alley exists or can be feasibly extended, vehicle parking shall be accessed from the alley, as opposed to creating a new driveway entrance onto a public street, except where required otherwise by PennDOT along a state road or where approved otherwise by the City Planning Commission. This provision shall only apply to alleys with a minimum width of 10 feet. For dwellings in the R-1 District, a minimum of 15 feet of depth of open rear yard or recreational patio space shall be maintained, such as between the dwelling and any parking space along the alley. See also limitations on the amount of front yard parking in § 600-803 for the R-2 District and in § 600-804 for the R-3 District. **[Amended 2-14-2011 by Ord. No. 8-2011]**

C. Parking areas shall be designed so that a vehicle may proceed to and from it without requiring the movement of any other vehicle, except for parking for a one-family dwelling.

D. Nonparallel off-street parking space stalls shall include a rectangular area with a minimum width of nine feet and a minimum length of 18 feet. If a lot or structure includes 40 or more off-street spaces, a maximum of 20% of the spaces may include a minimum rectangular area of 8.5 feet by 16 feet, if such spaces are marked "compact cars only" and are distributed so that they are not the most convenient spaces on the lot or structure.

E. All off-street parallel parking spaces shall be at least 20 feet long and eight feet wide. Uses attracting large vehicles shall provide proportionately larger spaces.

F. The minimum width of aisles providing access to parking spaces shall be:

Angle of Parking (degrees)	Minimum Aisle Width For One-Way Traffic (feet)	Minimum Aisle Width For Two-Way Traffic (feet)
Parallel	12	20
1° to 34°	12	20
35° to 54°	16	22
55° to 89°	18	22
90°	22	22

Within a parking structure of two or more levels or underground parking, the above aisle widths may each be reduced by two feet.

G. All parking spaces shall be clearly defined by painted lines or wheel blocks.

H. The space between any parking area and the property line of the premises shall be landscaped with vegetative ground cover. Plant screening may also be required under § 600-1402.

I. See requirements for buffer strips and plant screening in §§ 600-1401 and 600-1402. See § 600-814 for parking setbacks in the Penn Square Overlay Zone.

J. Curbing, guardrails, a landscaped strip or anchored wheel blocks shall be installed adjacent to all public rights-of-way.

K. Curbing may be required to control stormwater runoff as determined by the Department of Public Works.

L. No part of any surface parking area for more than five vehicles shall be closer than 10 feet to any dwelling, primary or secondary school, hospital or other institution for human care. This distance may be reduced to six feet on the condition that appropriate screening is provided according to § 600-1402.

M. All parking areas of five spaces or more shall be adequately illuminated for security purposes between the hours of sunset and sunrise. Lighting shall not spill onto adjacent properties and shall not shine into the eyes of motorists.

N. All off-street parking areas for 10 or more vehicles shall be planted with shade trees, which shall be located to maximize the visibility of the trees and the amount of paving that is shaded in a quantity equal to not less than one shade tree for every 10 parking spaces. The species of such trees shall be approved by the City and such trees shall have a minimum trunk diameter of two inches. The trees shall be protected from damage by vehicles by a setback from paving, curb stops, curbing or similar methods.

O. See screening requirements along a street in §§ 600-1401 and 600-1402. All off-street truck loading docks shall be effectively screened on any side facing a public right-of-way, and shall be screened on each side which adjoins or faces premises situated in any residential zone or premises used for residential, hospital or institutional purposes in any zone by a fence of acceptable design, wall or compact hedge. Such fence, wall or hedge shall be not less than four feet and no solid portion shall be more than six feet in height and shall be maintained in good condition and shall provide year-round screening. The City may also

approve an architectural wall to serve as a screen, if the exterior design of such wall is approved in advance.

P. No parking area of more than five spaces shall exceed a slope of 5% grade.

Q. All parking areas of more than five spaces shall need approval by the Department of Public Works after a site plan is submitted.

R. All parking areas of more than 10 spaces shall be approved by the Department of Public Works and the City Planning Commission.

S. All areas between a sidewalk and the curb of a street shall be maintained in vegetation, except at approved driveway crossings. Tree grates may be used.

T. See also restrictions in the C-C and C-R District regulations regarding parking open to the general public and certain other parking. See also § 600-1008 regarding parking in the R-3 and C-R Districts.

§ 600-1603. Off-street parking standards.

A. Off-street parking shall be provided in accordance with the provisions of this subsection. In the case of mixed occupancies or uses, the Zoning Administrator shall compute separately the requirements as set forth in this section, for each occupancy or use, and then add the requirements of the individual occupancies or uses to obtain the total parking requirements.

(1) Sexually oriented business or massage parlor: one parking space for every 30 square feet of building floor area that is accessible to customers.

(2) Auto repair and other service establishments: parking or storage space for all vehicles used directly in the conduct of the business plus one parking space for each 1 1/2 employees.

(3) Banks and fiduciary institutions: one space for each 300 square feet of net customer area and one space for each two employees.

(4) Bed-and-breakfast facilities: one space for each guest rental unit plus two additional parking spaces.

(5) Bingo halls: one space for each three permitted seats, based upon legal limits established by the State Fire Code.

(6) Boardinghouse: one space for every two occupants age 18 or older that the building is designed to house.

(7) Bowling alleys: two spaces for each bowling lane, plus spaces for other on-site uses.

(8) Clubs, lodges, social buildings: one space for each three permitted seats, based upon legal limits established by the Fire Code.

(9) Child day-care center or adult day-care center: one parking space for every 12 persons cared for, with these spaces designed for safe and convenient dropoff and pickup, plus one additional parking space for every two employees. **[Amended 2-14-2011 by Ord. No. 8-2011]**

(10) Fire and ambulance stations: one space for each employee on the largest working shift, in addition to any spaces reserved for City-owned vehicles and apparatus. An additional 20% shall be provided for visitors.

(11) Fire and rescue service operations (other than fire stations): off-street parking shall be provided at the rate of at least one space for every four classroom seats. When located in the Municipal Use District, a common parking area may be delineated.

(12) Funeral homes: one space for each 50 square feet of floor area of the largest viewing room.

(13) Gas station: parking or storage space for all vehicles used directly in the conduct of the business plus four spaces for each vehicle service bay and one space for every 1 1/2 persons employed on the premises at maximum employment on a single shift.

(14) Group or family day-care home: parking for the dwelling unit (unless no parking exists on the lot for an existing dwelling unit) plus one parking space for each nonresident employee. **[Amended 2-14-2011 by Ord. No. 8-2011]**

(15) Hospitals and similar uses: one space per one and two-tenths employee computed on the basis of the estimated maximum number of employees at any one time and one space for every four beds.

(16) Housing for persons 62 years and older and/or persons with disabilities: one space for every two employees, plus 1 1/2 spaces for every 10 dwelling units.

(17) Laundromats: one space for every three washing machines.

(18) Law enforcement operations: off-street parking shall be provided at the rate of at least one space for every four classroom seats/shooting lanes. When located in the Municipal Use District, a common parking area may be delineated.

(19) Libraries, museums, visitor centers, post offices, civic centers and similar establishments: parking or storage space for all vehicles used directly in the operation of such establishment plus four parking spaces for the first 1,000 square feet of total floor area and one additional space for every 250 square feet of floor area.

(20) Manufacturing and industrial establishments: one space for each one and two-tenths employees of the maximum working shift.

(21) Motor vehicle sales and repair: one space for each 250 square feet of building floor area and one space for each service bay.

(22) Motels and hotels: one space per rental unit and an additional one space for each two employees.

(23) Nursing home or life-care retirement facility: one off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient/client beds.

(24) Offices: one space for each 200 square feet of floor area.

(25) Parking garages, in addition to that provided for parking of customer vehicles: one space for each employee on the maximum work shift.

(26) Places of public assembly, such as auditoriums, arenas, stadiums, theaters:

(a) With fixed seating: one space for every four seats.

(b) Without fixed seating: one space for every four persons who may legally be admitted to the largest room at one time under fire prevention laws.

(27) Places of worship and similar establishments: one space for each four seats or one space for every 10 linear feet of pews.

(28) Public (municipal) buildings: one space for each 200 square feet of total floor area.

(29) Recreation facilities:

(a) Indoor: one space for each 100 square feet of net floor area or one space for each four persons using the facility at the projected peak hour of use.

(b) Outdoor parks, playgrounds, playing fields, and game courts: one space for each 5,000 square feet of outdoor recreation area.

(30) Residential care facility: one off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every four patient/client beds.

(31) Residential uses:

(a) Conversions: 1 1/2 spaces for each dwelling unit.

(b) Attached dwellings: 1 1/2 spaces for each dwelling unit.

(c) Detached dwellings: two spaces for each dwelling unit.

(d) Multifamily dwellings: 1 1/2 spaces for each dwelling unit.

(32) Restaurants, taverns and nightclubs: one space for each four seats permitted and one space per two employees. All restaurants shall provide an absolute minimum of five spaces. **[Amended 2-14-2011 by Ord. No. 8-2011]**

(33) Retail stores (except shopping centers): one space for each 250 square feet of floor area. The Zoning Administrator may reduce off-street parking spaces to one space per 500 square feet for neighborhood-oriented retail uses. For retail sales areas of furniture, lumber, carpeting, bedding or floor coverings, only one space per 800 square feet of floor area shall be required.

(34) Schools, primary or secondary:

(a) Elementary, middle, and junior high schools: one space per one and two-tenths employees, and adequate space for buses and deliveries.

(b) High schools and all other types of educational/vocational institutions: one space per one and two-tenths employees, plus one space for every 10 classroom seats designed for students 16 years and older, and adequate space for buses and deliveries.

(35) Shopping center: one space for each 250 square feet of floor area accessible to customers.

(36) Student home:

(a) R-1A and R-1: one space per every occupant which would be permitted to reside in the dwelling up to a maximum of three, plus one additional, subject to the provisions of Part 12.

(b) R-2: one space per every occupant which would be permitted to reside in the dwelling up to a maximum of three, plus one additional, subject to the provisions of Part 12.

(37) Recycling operations: off-street parking shall be provided at the rate of at least one space per employee, if any. Rather, a minimum of two loading spaces, exclusive of driveways and sized according to the largest vehicles permitted, shall be provided for every container placed. When located in the Municipal Use District, a common parking area may be delineated.

(38) Swim clubs: one space per each 400 square feet of water surface.

(39) Trade, vocational or hobby schools: one space per two students age 16 or older on premises during peak times plus one space per 1 1/2 employees.

(40) Treatment center: one space per two residents age 16 or older plus one space per nonresident intended to be treatment at peak times, plus one space per 1 1/2 employees.

(41) Universities and colleges: one parking space for every two persons employed at peak periods at the institution, plus one space for each five nonresident students on the premises at peak times, plus parking for on-campus housing, plus additional space as required by this parking schedule because of any supplementary parking generating activities at the institution. The City may approve the use of off-site parking if the institution provides a regular shuttle service.

(a) Dormitories, residence halls, fraternities, sororities: one space for each two beds, except for students who are not allowed by the institution to have vehicles.

(42) Wholesale establishments or warehouses: one space for each one and two-tenths employee of a maximum working shift.

(43) Wastewater treatment operations: off-street parking shall be provided at the rate of at least one space per full-time employee on the largest shift, plus 10% for visitors, inspectors, shift change flexibility, et cetera. When located in the Municipal Use District, a common parking area may be delineated.

B. When a computation of the number of required spaces results in a fraction, such fraction shall be resolved to the next highest whole number.

C. The collective provision for off-street parking by two or more buildings or uses located on adjacent industrial or commercial lots is permitted, provided there is a written agreement between the property owners and that the total number of spaces shall not be less than the sum required when computed separately, except as approved below.

D. For the purposes of this chapter, the number of employees of a use shall be based on the estimated maximum daily or maximum eight-hour shift requirements in a twenty-four-hour period.

E. Structures and uses in existence at the date of adoption of this chapter shall not be subject to the requirements of this Part so long as the kind or extent of use is not changed, and provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

F. Change in requirements and modifications to parking requirements. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of this Part, the total additional parking required for the alteration, change or extension shall be provided within 120 days.

(1) If a nonresidential use expands by an aggregate total maximum of 5% in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this chapter, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

(2) As a special exception, the Zoning Hearing Board is authorized to approve modifications to the off-street parking requirements for a lot if the applicant proves to the satisfaction of the Zoning Hearing Board that such modifications are necessary to allow appropriate adaptive reuse of an existing principal nonresidential building into a new approved use.

(3) Reduction of parking requirements.

(a) Purposes. To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.

(b) As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.

(c) The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak excepted number of customers/visitors and similar data.

(d) In addition, an applicant may prove that parking needs will be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees and/or to subsidize use of public transit for employees.

(e) Reserved area for additional parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation

for a certain number of years or an indefinite period corresponding to the years the buildings are in use.

[1] Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the City determines it is necessary. A deed restriction is recommended.

[2] If approved under this Subsection F(3)(e), the applicant shall present a site plan to the Zoning Administrator that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet City requirements.

[3] The additional parking that is "reserved" under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land's release from the restriction, or until the City may require that the land be developed as parking.

[4] The Zoning Administrator shall periodically review the sufficiency of the parking that is provided. If the Zoning Administrator in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property owner. The property owner shall then have one year to develop the reserved area into off-street parking in compliance with this chapter.

G. Conflict with other uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

H. Joint use.

(1) Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. If a parking area includes principal nonresidential use(s) that all are routinely are not occupied outside of the hours of 8:00 a.m. and 6:00 p.m. and dwelling units, and all of the spaces are shared among all of the uses, then the total number of required off-street parking may be reduced by 20%.

(2) The number of spaces required in a shared parking facility may be also be reduced below the total required by approval by the Planning Commission if it can be demonstrated to the Commission that the hours or days of peak parking needed for the various uses are so different that a lower total will provide adequately for all uses served by the facility.

I. Location of parking spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served, except as follows:

(1) Required off-street parking spaces may be on a separate lot from the use served by the parking if the applicant proves to the satisfaction of the Zoning Administrator

that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation and will be within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a nonresidential use. A written and signed lease shall be provided, if applicable. For customer parking, a sign shall direct persons to the parking spaces. The zoning permit shall be conditioned upon the continued availability of the parking, unless the applicant provides evidence of suitable replacement parking.

J. Parking for persons with disabilities/handicapped parking.

(1) Number of spaces. See requirements under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this chapter:

Total No. of Parking Spaces on the Lot	**Required Minimum No./Percent of ADA-Accessible Parking Spaces**
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8 of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1,000 spaces, 1/8 of which must be van-accessible

(2) Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped-accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.

(3) Minimum size and slope. See requirements of the Americans With Disabilities Act regulations.

(4) Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.

(5) Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

K. Bicycle parking. If a use will involve a new principal nonresidential building of 3,000 or more square feet of building floor area or a lot will include 10 or more new multifamily/ apartment dwelling units, then at least one bicycle hitch, rack or locker shall be required.

The current landowner shall be responsible to ensure that the hitch, rack or locker continues to be available and is well-maintained and is replaced if damaged or removed. For dwelling units, such facilities may be limited to use by residents. For a commercial use, at least one hitch, rack or locker shall be designed for use by the general public. If the hitch, rack or locker is within a street right-of-way, a City encroachment permit shall be required.

L. Parking of trucks, trailers and recreational vehicles. See Chapter 564, § 564-105, of the Code of the City of Reading. **[Amended 2-14-2011 by Ord. No. 8-2011]**

§ 600-1604. Off-street loading spaces.

A. Any and all off-street loading spaces shall have dimensions not less than 12 feet in width, 35 feet in length and 14 feet in height. Off-street loading spaces shall be provided in addition to off-street parking spaces and shall not be counted as or considered as off-street parking spaces.

B. Off-street loading spaces shall be designed so as to provide adequate space for standing, turning, loading and unloading and shall not interfere with the public use of the streets.

C. Off-street loading spaces shall be provided according to the following table:

Nonresidential Building Floor Area (square feet)	**Loading and Unloading Space Required**
0 to 4,000	None
4,001 to 20,000	1 space
20,000 to 100,000	1 space, provided that an office building of 20,000 square feet or less is not required to provide an off-street parking space
100,000 to 500,000	5 spaces plus one space for each 40,000 square feet in excess of 100,000 square feet up to 500,000 square feet
Over 500,000	15 spaces plus 1 space for each 80,000 square feet in excess of 500,000 square feet

D. Floor area, as used in Subsection C above, for offices, trade or service types of uses, shall mean the cross floor area used or intended to be used for service to the public and shall also include areas occupied by fixtures and equipment used for display or sale of merchandise. The term "net floor area" shall not include areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of storage or buildings, rest rooms, utilities, dressing rooms, fitting or alteration rooms.

§ 600-1605. Miscellaneous.

It shall be a violation of this chapter for any entity to use any structure without providing vehicle parking and loading spaces that meet the requirements of this Part. See § 600-1603I regarding off-site parking.

Part 17
Signs[44]

§ 600-1701. Sign purposes and scope.

A. This Part is enacted:

(1) To control the erection, location and maintenance of outdoor signs in a manner designed to protect the public health, safety and morals, and to promote the public welfare.

(2) To promote economic development, but in a way that avoids conflicts between advertising signs themselves and between advertising signs and traffic-regulating devices.

(3) To provide equality in displaying identification signs by establishing regulations on size and location of such signs.

(4) To seek that official traffic-regulating devices be easily visible and free from such nearby visual obstructions as blinking signs and excessive number of signs, or signs in any way resembling official signs.

(5) To avoid uncontrolled erection and maintenance of large signs that could seriously detract from the enjoyment and pleasure of the natural scenic beauty and historic character of the City.

(6) To recognize that the ability of a community to attract and keep residents and desirable businesses and industries could be seriously impaired by the uncontrolled proliferation of signs.

B. Therefore, this Part is enacted to provide for fair and equal treatment of sign users. This Part shall apply to the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs and sign structures located within the City. Within a Historic District, an additional approval may be required concerning the design of a sign.

C. Scope. This Part regulates outdoor signs located within a building, or signs that are arranged, intended or designed, used or placed for exterior observance.

§ 600-1702. Sign policies.

A. Sign standards are based on the following concepts:

(1) The primary purpose of signs is to identify principal uses and/or services available at such premises.

(2) Uncontrolled use of signs interferes with this primary purpose of signs for identification.

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44. NOTE: See Also Chapter 485, Signs, Including Part 1, Political Campaign Matter, And Part 2, Unauthorized Roadside And Utility Pole Signs.

(3) It is necessary to protect residential neighborhoods from the destruction of residential atmosphere that results from the glare and confusion that the uncontrolled proliferation of signs.

B. Only signs as prescribed herein shall be permitted to be erected or maintained on a lot located in the specified zoning district. Where a building, lot or parcel of land is bounded by two or more streets, the number of signs permitted on each street frontage shall be as established herein.

C. When a single business exists on lots separated by a street or a public alley, each lot shall be treated separately for sign purposes.

D. Permits. A zoning sign permit shall be required for any sign with a sign area of more than two square feet, except such limit shall be 10 square feet for a temporary sign that is posted less than 60 days per year and no permit is required for nonilluminated temporary signs placed inside a window.

E. PennDOT approval. Where a sign along a state road is required to have a PennDOT approval, the applicant shall submit evidence of such approval to the Zoning Administrator.

§ 600-1703. Signs allowed in Residential Districts (R-1A, R-1, R-2, and R-3) and the INS Institutional Overlay Zone.

In these districts, signs should be designed for pedestrians or for vehicles moving at 25 miles per hour. The following signs shall be permitted on properties located within areas designated as R-1A, R-1, R-2, and R-3 Districts, within the following regulations:

A. Lighting. See §§ 600-1714 and 600-912.

B. Allowed signs.

(1) Wall signs shall be located no higher than the height of the building wall to which the sign is attached. Maximum horizontal projection from a building for a wall sign shall not exceed 18 inches. A sign shall not be located as so to obscure the cornice, windows, transom or similar architectural features of the building.

(2) Roof signs and off-premises signs are prohibited in any residential district unless specified otherwise by this Part.

(3) Signs for a home occupation shall be limited to one non-internally illuminated name plate. Such name plate shall not exceed 1.5 square feet in surface area and shall be a flat wall sign. Home occupations, including offices, are permitted to erect a projecting sign or ground sign, not to exceed three square feet in total surface area, in lieu of a wall sign. A ground sign shall have a maximum height of six feet.

(4) Each multiple-family dwelling property containing 10 or more dwelling units (including rental, condominium or cooperative apartments, or rental, condominium or cooperative townhouses) shall be limited to one identification sign not exceeding 32 square feet in total surface area (per side if double-faced). Such sign shall be either ground-mounted, extending not more than eight feet above grade, or a flat wall sign.

(5) New development signs. The following signs shall be permitted in conjunction with proposed new development involving more than 10 dwelling units or more than five business establishments:

(a) Signs announcing the subdivision and improvement of property, when located on the property to be improved, shall be single-faced, with a maximum surface area for each sign of 64 square feet. The maximum height of such development signs shall be eight feet.

(b) Development signs shall not be erected until zoning approval and subdivision approval, if required, have been given by the City. Such signs may be maintained for a period of one year from the date of erection of such signs. If the development is not completed within one year after erection of the sign, the sign permit may be renewed for periods not exceeding one year, provided the sign is maintained in accordance with the provisions of this chapter.

(c) Signs not located on the advertised property, which are a maximum six square feet in area or less, may be allowed during construction and for a period of 30 days thereafter, upon application to the Zoning Administrator. Other off-premises advertising signs are prohibited.

C. Off-premises signs shall be prohibited in residential districts, except for signs that are specifically allowed by this Part 17.

D. Public, semipublic and private recreational uses shall be limited to one sign not exceeding 20 square feet in surface area per sign face. Such sign shall be either ground-mounted with up to two sides, to extend not more than six feet above grade, or a flat wall sign.

E. Lawful principal commercial, public utility or industrial use in a residential district shall be limited to one of the following:

(1) One wall sign not to exceed 32 square feet in surface area.

(2) One pole-mounted sign not to exceed 12 square feet in area (per side if double faced), contained totally within the property line, and placed no more than 10 feet above grade.

(3) One projecting sign not to exceed 12 square feet in area (per side if double faced), and placed no higher than the uppermost portion of the second floor of the building to which attached and which meets the minimum vertical clearance of Chapter 180, Construction Codes.

F. A lawful principal nonresidential use may also include directional signs of up to four square feet each, as required for the safe and orderly flow of traffic on the property. These signs, if freestanding, shall not extend more than four feet above grade.

G. If one or more retail stores are located in a building built for a principal industrial use, each such store may have, along each street upon which the building fronts, one identity sign which may be projecting, V-shaped, or a flat wall sign. Such sign may have no more than two faces and no single face may exceed 20 square feet in surface area, except for an overall identity sign described in the next subsection.

(1) There shall be no sign projecting above the second floor occupancy area as defined in § 600-2205. Below such point, signs may project in the following manner: A sign projection may occupy the vertical space created by drawing an imaginary line four feet from and parallel to the vertical building walls.

(2) If four or more stores occupy a single building, such building may contain one overall identity wall sign per street front, in addition to the individual identity signs just described. Each overall identity sign face shall not exceed 40 square feet in surface area.

H. 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 wall sign or a ground-mounted sign not to extend into the public right-of-way.

I. Window identity signs are permitted in commercial storefronts located in all 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.

J. Each principal building of a college or university may have a wall sign area of 40 square feet per building side. A college or university may include the following ground-mounted signs with a maximum height of six feet each, provided the signs are not internally illuminated:

(1) One sign at each major entrance to the campus with a maximum sign area of 60 square feet on each of two sides.

(2) One sign of 20 square feet per street frontage for each principal building.

K. See also additional signs allowed under § 600-1712, such as signs for places of worship, and under § 600-1711, such as temporary signs.

§ 600-1704. Signs allowed in Residential-Professional Office District (R-PO).

In the R-PO District, signs should be designed for pedestrians or for vehicles moving at 25 miles an hour. It is the intent that businesses in a residential area should be treated in a manner to make them as nearly compatible as possible with their surrounding residential environment.

A. General. Section 600-1703A and B(1) and (2) shall also apply to the R-PO District.

B. Signs.

(1) Permitted signs. Each principal nonresidential use is permitted one wall-mounted sign not to exceed eight square feet.

(2) Each principal nonresidential lot is allowed one freestanding sign. The total surface area for freestanding or ground-mounted signs shall not exceed 12 square feet on each of two sides.

(3) No signs shall extend into the public right-of-way. No sign shall exceed six feet in total height above grade level. All ground-mounted and freestanding signs are subject to landscape requirements as specified in § 600-1713B of this Part.

(4) Wall signs exceeding eight square feet, roof signs, marquee signs, projecting signs, off-premises signs, and portable signs are not permitted in the R-PO District.

(5) Signs allowed by § 600-1703 shall also be allowed in the R-PO District.

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

Sign heights, locations and dimensions are generally based on the visibility needs of pedestrians and of traffic moving at approximately 20 miles per hour.

A. Allowed signs.

(1) Sign surface area. The total surface area of all faces of all wall signs shall not exceed three square feet for each lineal foot of building wall to which the signs are attached. Maximum horizontal projection from a wall should not exceed 18 inches, except it may extend six feet if integrated with an awning. Signs shall not be located so as to obscure the windows, cornice, transom or other historic architectural features of the building.

(2) Projecting signs. One projecting sign is permitted on each separate street frontage of a lot, provided such signs shall not exceed the height of the attached building wall, and shall meet the minimum clearance above the adjacent sidewalk or grade line as provided in Chapter 180, Construction Codes. Signs shall have a total surface area not in excess of 24 square feet (per side if double-faced). Signs shall be configured to form an angle of 90° to the building face and projection from the building face shall be limited to six feet. No sign shall project within two feet of a street curbline or driveway.

(3) Marquee signs. Marquee signs are permitted for theaters, performing arts centers and hotels. The surface area of marquee signs shall be considered as part of the total allowable wall sign surface area. The marquee sign shall be located a minimum of two feet from a street curbline, provided a City encroachment permit is approved.

(4) Under-marquee signs. Under-marquee signs are permitted, provided such signs shall not project more than 12 inches below an allowed marquee, and shall not be less than the clearance above the sidewalk or grade line required by Chapter 180, Construction Codes. The surface area of under-marquee signs shall not be considered as part of the total allowable sign surface area.

(5) Ground-mounted and freestanding signs. In place of an allowed projecting sign, one ground-mounted or freestanding sign is permitted on each separate street frontage. Such signs shall have a surface area not in excess of one square foot per every lineal foot of property frontage, or a maximum of 36 square feet (per side if double-faced). Such sign shall not be higher than four feet from grade and may be located no closer than four feet from any property line and shall not be located within a street right-of-way.

(6) Window identity signs are permitted in commercial storefronts located in all Commercial Core and Commercial Residential zones given the following conditions: **[Added 12-16-2013 by Ord. No. 83-2013]**

(a) Signs on show window glass shall be limited to 30% of the glass area, or 600 square inches, whichever is greater.

(b) 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.

B. Off-premises signs. Off-premises signs are not permitted, except for signs posted by the City of Reading or PennDOT within a street right-of-way.

C. 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 two feet in width and four feet in height, shall not obstruct the main pedestrian pathway, and shall be moved inside when the business is not open.

D. See also additional signs allowed under § 600-1712, such as signs for places of worship.

§ 600-1706. Signs allowed in Commercial Neighborhood District (C-N).

The following signs shall be permitted on properties located within the C-N District:

A. General. Section 600-1703A and B(1) and (2) shall also apply to the C-N District unless specified otherwise.

(1) Neither roof signs nor off-premises signs are permitted in the C-N District unless specified otherwise.

(2) Signs allowed by § 600-1703 shall also be allowed in the C-N District.

B. See also additional signs allowed under § 600-1712, such as signs for places of worship.

C. Public, semipublic and private recreational uses shall be limited to one single-faced sign not exceeding 20 square feet in surface area. Such sign shall be either ground-mounted, to extend not more than six feet above grade, or a flat wall sign.

D. Allowed principal commercial, public utility or industrial uses, other than uses listed separately, shall be limited to wall signs not to exceed a total of three square feet of sign area per each linear foot of building wall to which the signs are attached. Part or all of the wall sign area may be integrated with an awning that extends a maximum of six feet from the building. In addition, one of the following signs is allowed per lot per street frontage: one freestanding sign not to exceed 32 square feet in area (per side if double-faced), contained totally within the property line, and placed no more than 16 feet above grade, or one projecting sign not to exceed 12 square feet in area (per side if double-faced), and placed no higher than the wall of the building to which attached and extending a maximum of six feet from the building wall.

E. As needed, a principal nonresidential use may include, at each point of ingress or egress, one directional sign not to exceed six square feet (per side if double-faced). An allowed drive-through may also include lane and window directional signs, and ATM designation

signs, as required for the safe and orderly flow of traffic on the property. These directional signs, if freestanding, shall not extend more than four feet above grade.

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 four feet above ground or a wall sign and shall not extend into the public right-of-way.

G. Window identity signs are permitted in commercial storefronts given the following conditions:

(1) Signs on 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.

H. Off-premises signs and roof signs shall not be permitted.

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 two feet in width and four feet in height, shall not obstruct the main pedestrian pathway, and shall be moved inside when the business is not open.

§ 600-1707. Signs allowed in Commercial Highway Districts (C-H).

C-H District signs are generally related to automobiles approaching at higher speeds, in excess of 30 miles per hour.

A. Sign area. The total surface area of all signs, except freestanding signs, shall not exceed three square feet of surface area for each lineal foot of building wall of the wall to which the signs are attached. Signs on window glass shall be limited to 30% of the glass area.

B. Sign height. No part of any sign shall be higher than 25 feet from grade. A sign attached to a building shall not exceed the height of the attached building wall.

C. Freestanding signs. Each lot shall be permitted one freestanding sign structure per street frontage, provided that such sign area shall include a maximum of 60 square feet for a lot occupied by one establishment and 100 square feet for a lot occupied by two or more establishments (per side if double-faced). All portions of any such sign shall be contained within the property lines of the property. Sign area shall not be less than the minimum clearance above the sidewalk required by Chapter 180, Construction Codes, or obstruct a sight triangle.

(1) In addition, restaurants with drive-through service shall be allowed to have menu boards, provided the text is not readable from a street or dwelling, and each menu board has a maximum sign area of 60 square feet.

(2) In addition, gas stations may have an additional sign area of 60 square feet that can be used for freestanding sign area or signs on a canopy.

D. Projecting signs. A projecting sign with a maximum sign area of 12 square feet on each of two sides may be used in place of a freestanding sign. Such sign shall not extend more than six feet from the building wall.

E. Roof signs. No roof signs shall be permitted in the C-H District.

F. Marquee signs. Marquee signs and under-marquee signs may be erected in compliance with the provisions of the C-C District.

G. Billboard signs and other off-premises signs. Section 600-1717 shall apply.

H. Portable signs. Portable signs are permissible only in the C-H Zone. Signs are not to exceed 20 square feet and must be located within established setback areas. No portable sign may be located within the public right-of-way at any time and no sign shall obstruct sight triangles. Such sign shall not be illuminated.

I. See also additional signs allowed under § 600-1712, such as signs for places of worship.

J. Signs allowed by § 600-1703 shall also be allowed.

§ 600-1708. Signs allowed in Heavy Manufacturing and Manufacturing/Commercial Districts (H-M and M-C).

Within the H-M and M-C Districts, the same sign regulations shall apply as within the C-H District except the maximum height of a freestanding sign shall be 16 feet, and except as provided in § 600-1717.

§ 600-1709. Signs allowed in Preservation District.

No signs shall be permitted in the Preservation District except those specified in § 600-1712B and signs erected by the City of Reading or PennDOT.

§ 600-1710. Special exception signs.

After proper notice and hearing, the Zoning Hearing Board may, by special exception, authorize the following signs:

A. Time, temperature and/or public information signs may be erected in any zoning district without regard to regulations governing occupancy, height projections or movement, except that all such signs shall conform to §§ 600-1713 through 600-1715, if it is shown to the satisfaction of the Board that such sign, which may also be an identity sign, has the primary function of informing the public. Such signs may also be erected by right if they conform to the regular sign requirements.

B. Other signs which do not lend themselves to the ordinary processes of measurement, because they are integrated in the design of the building structure, or signs designed for a special purpose which makes strict application of this Part difficult or signs that re-create landmark historic signs, may be permitted by the Board when the Board finds such signs to be in conformity with the intent of this Part and appropriate to the type of development or structure to which they are related.

§ 600-1711. Temporary signs on private property.

The following types of signs, if not located within a street right-of-way, are allowed in addition to other allowed signs. Such signs shall not be illuminated:

A. Announcing signs. One sign announcing the names of architects, engineers, financing entities and/or contractors of a building under construction, alteration or repair, and signs announcing the character of the building, enterprise or the purpose for which the building is intended; provided such signs shall not exceed eight square feet of surface area for a one- or two-family dwelling and 32 square feet in surface area in other circumstances. Flat-wall signs or freestanding signs may have a maximum height of eight feet above grade. Such signs may have a maximum surface area of 64 square feet, if combined with the sign permitted in Subsection B hereof. Signs on show window glass shall be limited to 30% of the glass area.

B. Real estate signs and room and board signs. Signs not exceeding six square feet in surface area, advertising the sale, rental or lease of the premises on which displayed in the residential districts; 16 square feet in the C-N Districts; and 32 feet for the C-C, C-R, C-H, H-M, and M-C Districts. Such signs may be freestanding or wall-mounted, with a maximum height of eight feet above grade.

C. Political campaign signs. Signs or posters that each do not exceed 32 square feet in surface area, announcing candidates seeking political office or providing an opinion on a political matter, may be erected. Political campaign signs do not need a zoning permit if they are less than 32 square feet in sign area. Such signs shall be removed within two weeks after the election for the office sought. Such signs shall:

(1) Be wall-mounted or freestanding.

(2) Not be located within any public area, public park or street right-of-way, except as allowed outside a polling place on election day.

(3) Not be affixed in any manner to any tree. See also Chapter 485, Part 1, Political Campaign Matter.

D. Directional signs. Up to three signs may direct persons to a real estate open house auction, and similar temporary occasions, not exceeding six square feet in surface area. Such signs shall not be posted more than 10 days per year, and shall be removed within one day after the event.

§ 600-1712. Additional allowed signs. [Amended 2-14-2011 by Ord. No. 8-2011]

The following signs are allowed in addition to other allowed signs. The following signs do not need a zoning permit, except for signs of more than two square feet each that are allowed by Subsection A below.

A. Institutional signs. A maximum of one wall sign per building side and one freestanding sign for a cemetery, governmental use, primary or secondary school, hospital, place of worship or similar charitable or religious institution, when located on the premises of such use, provided each such sign shall not exceed 32 square feet in surface area, and is not internally illuminated in a residential district. A maximum of one freestanding sign shall be allowed per street frontage. Freestanding signs shall have a maximum height of six feet.

B. Public signs. Signs of a public, noncommercial nature, which shall include safety signs, danger signs, no-trespassing signs, and signs indicating scenic or historical points of interest, shall be allowed if erected by a public officer in the performance of a public duty.

C. Traffic-directing signs. Directional signs shall be allowed that indicate traffic movement onto a premises, or within a premises, not exceeding six square feet of surface area for each sign face, with two sign faces allowed per entrance to the premises. Such signs shall not exceed four feet in height.

D. Memorial signs and tablets. Nonilluminated memorial signs, cornerstones or tablets indicating the name of a building or date of erection, not exceeding two square feet in surface area, which are part of the building construction, or are attached as wall signs.

E. Name plates and directories. Nonilluminated name plates and building directories relating only to the use or occupancy of the building to which attached and not exceeding 12 square feet of surface area, which are part of the building construction, or are attached as wall signs.

F. Seasonal decorations. See § 600-912.

G. Temporary signs. One sign per lot of up to 30 square feet on each of two sides announcing parades or other special events, grand openings of businesses, special sales or the like, may be permitted. Such temporary signs shall be permitted for a total of only 60 days per calendar year, unless special exception approval is granted from the Zoning Hearing Board for a longer period.

H. Murals. An artistic mural that does not serve a commercial purpose shall be allowed and shall not be regulated as a sign.

§ 600-1713. Landscape designs and landscaping requirements.

A. Floral arrangements or other landscape designs which depict a symbol, device, name or the like shall not be considered signs and shall not be governed by any regulations contained within this chapter.

B. Except within the CC District, all freestanding and billboard signs that are more than 60 square feet in sign area shall be surrounded by a minimum 12 square feet of area beneath the sign that is landscaped with shrubs and vegetative ground cover.

§ 600-1714. Illumination and electronically changing message signs.

All signs and other illumination within the City shall be subject to the following restrictions upon illumination:

A. See also § 600-912.

B. Flashing, blinking, electronically moving, or animated lighting of signs shall be prohibited. An electronic sign shall not change its message more than once every six seconds, except a changeable message sign of more than 100 square feet shall not change more than once every 10 seconds. This subsection shall not apply to theaters, arenas or visual or performing arts centers in the C-C District. If a sign has a sign area of more than 20 square feet, it shall not have a scrolling message.

C. No sign will be permitted which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any public street or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle, or which interferes with any driver's operation of a motor vehicle.

D. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

E. Signs which contain, include or are illuminated by any flashing, intermittent or moving light(s) are prohibited, except those giving public service information such as time, date, temperature, weather or similar public service information.

F. Where a LED or an internally illuminated sign is allowed in a residential district (such as for a place of worship), such illuminated sign area shall not exceed 20 square feet on each of two sides.

G. The aggregate output of the light sources from any sign shall not exceed 500 initial lumens per square foot of sign face per side. LED sign surfaces or other internally illuminated sign faces shall not be allowed if they exceed 100 square feet per side and are located within 400 feet of a residential district. Off-premises signs with LED or other internally illuminated sign faces that are within 300 feet from a residential district and that face onto that residential district shall not be internally illuminated between 11:00 p.m. and 6:00 a.m.

§ 600-1715. Projection of signs.

A. A sign shall not project horizontally more than 18 inches from a building, except for allowed projecting, awning and marquee signs.

B. Only an official sign, projecting sign or marquee sign shall be allowed to intrude into a street right-of-way. Any allowed projecting sign or marquee sign shall not project within less than two feet of any curb or driveway line. This regulation shall take precedence over any other regulation in this Part governing sign projection.

§ 600-1716. Prohibited signs.

No sign shall be constructed, erected or maintained:

A. Which bears or contains statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.

B. Which purports to be, or is an imitation of, or resembles an official traffic sign or signal, which bears the words "STOP," "GO," "SLOW," "CAUTION," "DANGER," "WARNING" or similar words.

C. Which, by reason of its size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control device, or which hides from view any traffic or street sign or signal.

D. Which advertises or publicizes an activity, business, product or service not conducted on the premises upon which such signs are maintained, except as specified otherwise in this chapter.

E. Which rotates or has a rotating or moving part or parts that revolve.

F. Which consists of ribbons, streamers, strings of light bulbs, spinners or elements creating sound or smell which are signs defined by this Part, except seasonal decorations as per § 600-1712F.

G. Which shall be located so as to obstruct two-thirds of the view of a sign on adjoining property when viewed from a distance of 200 feet at a point four feet above the roadway grade of the traffic lane closest to the street property line.

§ 600-1717. Billboards and other off-premises signs.

A. General. See the definition of "off-premises signs" in § 600-2205.

(1) No part of any billboard or other off-premises sign shall be located more than 100 feet from the nearest street line of any traffic route and no billboard or other off-premises sign shall be oriented primarily toward any street other than a traffic route as defined herein.

B. Regulations. Billboards and other off-premises signs, including those painted on building walls, shall conform to the following regulations, in addition to other applicable requirements:

(1) Exemptions. A sign that includes occasional public service messages shall not by itself be considered an off-premises sign. Signs that are authorized by PennDOT or the City of Reading to direct persons to visitor attractions shall not be considered off-premises signs.

(2) Location.

(a) Billboards and other off-premises signs shall be permitted only along "traffic routes," as defined in § 600-2205 in the MU, H-M and C-H Zoning Districts. An off-premises sign in the C-H, MU and H-M Districts shall not exceed 300 square feet on each of a maximum of two sides.

(b) Billboards and other off-premises signs shall be located to conform with all yard and special setback requirements of this chapter.

(c) Any such sign located adjacent to a building, on another lot, containing windows facing such billboard or other off-premises sign shall be located a minimum of 50 feet from such windows. Any billboard or off-premises sign that is illuminated or more than 50 square feet in sign area shall be located a minimum of: 300 feet from an existing dwelling in a residential district; and 500 feet from any City-recognized Historic Preservation District or any public park, primary or secondary school or hospital in any direction.

(d) No billboard structure shall be located on or over the roofs of buildings situated on the same lot. No billboard structure shall be located on or adjacent to another billboard structure at the same site, with the exception of two billboard sign areas that are approximately back-to-back.

(3) (Reserved)

(4) Height. The maximum height of any off-premises free standing sign shall be 35 feet above grade. When the topography is such that the point at which a billboard must

be erected is lower in grade than the fronting street or highway, the elevation of the street or highway shall be considered grade.

(5) No two billboard sign structures shall be spaced less than 1,200 feet apart along any City street. The distance between sign structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of traveled way. The spacing requirement applies to signs located on both sides of the street. The distance between billboard signs shall be measured radially from the base of the sign structure nearest to the base of any other billboard sign structure along the same street, regardless of whether the relevant sign structures are on the same or opposite sides of the street.

(6) Lighting. See § 600-1714.

(7) Billboards and other off-premises signs may be single-faced, double-faced, or V-shaped structures. Double-faced and/or V-shaped billboard structures shall not exceed 300 square feet per display area regardless of street frontage or length of building wall.

C. Landscaping requirements.

(1) Single-faced billboards with the rear viewable from a public right-of-way or other public property shall have three equally spaced eight-foot tall evergreen trees planted in the rear of the billboard and the reverse side of the sign shall be of one color.

(2) All landscaping surrounding signage shall be maintained in a neat, attractive and clean condition.

D. Other off-premises sign provisions. In addition to the provisions of Subsection B hereof, the following provisions shall apply to other off-premises signs:

(1) A business may have one directional off-premises sign within one mile distance from its business location, provided such sign contains not over 32 square feet of surface area which shall be included within the surface area permitted by Subsection B hereof, and is located in either the CH, M-C or H-M Zones.

(2) Any off-premises sign exceeding 32 square feet in surface area shall be deemed a billboard.

§ 600-1718. Sign permit and fee exceptions.

The following signs and operations shall not require a sign permit or fee, but shall conform to all other applicable provisions of this chapter:

A. Advertising copy or message on a painted or printed sign or a billboard sign or on a theater or marquee and similar signs specifically designed for the use of replaceable copy.

B. Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure, including electrical equipment, unless a structural change is made, except that signs painted on walls which are made nonconforming by this Part shall not be repainted unless such repainting is done to eliminate that sign. No new sign shall be painted in its place.

C. Signs as provided by §§ 600-1711 and 600-1712, other than § 600-1712A.

D. See permit requirements in § 600-1702D.

§ 600-1719. Sign inspections.

Signs for which a permit is required shall be inspected by the Zoning Administrator for conformance with the requirements of this chapter.

§ 600-1720. Sign maintenance.

All signs, together with all of their supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in safe condition and in a neat, clean and attractive condition. The display surfaces of all signs shall be kept neatly painted or posted.

§ 600-1721. Unsafe sign removal. [Amended 2-14-2011 by Ord. No. 8-2011]

If the Zoning Administrator finds that any sign or structure by reason of its condition presents an immediate and serious danger to the public, he or she may order its immediate removal or repair depending upon the degree of danger, the Zoning Administrator may grant an extension, specifying a reasonable period of time to complete the repair or removal. The Zoning Administrator may remove or authorize others to remove the sign, in the event that the person responsible for the sign cannot be found, or if the persons, after notification, refuse to repair or remove it within the specified time.

§ 600-1722. Abandoned sign removal.

Any person who owns or leases a sign shall remove the sign within 30 days after notification by the Zoning Administrator when either the business it advertises has discontinued business in the City, or the business it advertises is no longer conducted in or upon the premises on which the sign is located. If the person who owns or leases the sign fails to remove it as provided in this section, the Zoning Administrator shall give the owner of the building, structure or premises on which the sign is located, 30 days' written notice to remove it. If the owner of the building, structure or premises on which the sign is located fails to remove the sign within 30 days after receipt of written notice from the Zoning Administrator, the Zoning Administrator may remove the sign or cause it to be removed. The following signs need not be removed in accordance with this section:

A. Billboards, where a person has merely leased or contracted advertising space thereon.

B. Signs which the successor to a person's business location or business agrees to maintain, as provided in this Part.

§ 600-1723. Illegal sign removal.[45]

Upon notice from the Zoning Administrator, any person who owns or leases any sign following the enactment of this section and in violation of this Part shall have 30 days' written notice to remove it. Failure to remedy the violation within that period by the owner of the building, structure or premises upon which the sign is located may cause the Zoning Administrator, or his duly authorized representative, to remove the sign from the premises.

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45. Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2).

§ 600-1724. Cost of sign removal.

Whenever the Zoning Administrator or his or her representative removes or causes to be removed a sign pursuant to §§ 600-1721 to 600-1723, the cost of such removal shall be paid by the owner of the property on which such sign is or was located. The cost of removal shall be certified to the Managing Director. Upon filing of such certification, the City Clerk shall cause 30 days' written notice to be given by certified mail to the person or persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment, and shall be accompanied by a copy of the certificate. The expense of such notice shall be borne by the City. The amount assessed against the real estate shall be a lien from the time of filing of the certificate with City Council and, if not paid within the time stipulated, a claim may be filed and collected in the same manner as municipal claims are filed and collected.

§ 600-1725. Sign appeals to Zoning Hearing Board.

The Zoning Hearing Board is empowered to grant special exceptions in order to prevent or to lessen such practical difficulties and unnecessary physical or economic hardships inconsistent with the objectives of this Part as would result from a strict or literal interpretation and enforcement of certain of the regulations herein prescribed. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the locations of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity; from population densities, street locations or traffic conditions in the immediate vicinity; or from the location or height of the sign in question. The power to grant a special exception does not extend to an economic hardship related to the cost, size or location of a new sign, or to the convenience of the applicant; nor is it intended to extend to the convenience of regional or national businesses that wish to use a standard sign, when it does not conform to the provisions of this chapter.

§ 600-1726. Signs within RR Overlay Zone.

In the RR Riverfront Redevelopment Overlay Zone, signs shall meet the requirements that apply in the C-C District, except that the Planning Commission may approve modifications to sign provisions under the PRD provisions, in response to a written request from the applicant. In no case shall more than one freestanding sign be allowed per building per street frontage. In addition, a professional sports stadium may also include one 200 square feet freestanding sign with up to two sides. Signs that are not readable from a street and from beyond the property line are not regulated by this section.

Part 18
Floodplain Overlay Zone

[Amended 6-11-2012 By Ord. No. 64-2012]

§ 600-1801. Statutory authorization.

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Floodplain Management Act of 1978,[46] delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the City of Reading does hereby order as follows.

§ 600-1802. Purpose.

The purpose of Chapter 600, Zoning, Part 18 (referred to herein as "this Part") is to:

A. Promote the general health, welfare, and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

E. Comply with federal and state floodplain management requirements.

§ 600-1803. Applicability.

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the City of Reading unless a floodplain zoning permit has been obtained from the Floodplain Administrator.

B. A Floodplain Zoning Permit shall not be required for minor repairs to existing buildings or structures.

§ 600-1804. Abrogation and greater restrictions.

This section supersedes any other conflicting provisions which may be in effect in the Floodplain Overlay Zone. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Part, the more restrictive shall apply.

§ 600-1805. Severability.

Refer to Part 1, § 600-106.

§ 600-1806. Warning and disclaimer of liability.

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46. Editor's Note: See 32 P.S. § 679.101 et seq.

A. The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.

B. This Part shall not create liability on the part of the City of Reading or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

§ 600-1807. Designation of Floodplain Administrator.

The Zoning Administrator is hereby appointed to administer and enforce this Part and is referred to herein as the "Floodplain Administrator."

§ 600-1808. Floodplain zoning permits required.

A floodplain zoning permit is required to insure compliance with all applicable local, state and federal floodplain regulations, and a permit must be issued before any construction or development is undertaken in a Floodplain Overlay Zone within the City of Reading.

§ 600-1809. Duties and responsibilities of Floodplain Administrator.

A. The Floodplain Administrator shall issue a floodplain zoning permit ("permit") only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of the permit, the Floodplain Administrator, with assistance from the City Planning Commission and City Engineer, as required by other sections of this Part, shall review the application for the permit to determine if all other necessary government permits required by the City, state and federal laws have been obtained, such as those required by Chapter 515, Subdivision and Land Development, the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended)[47]; the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended)[48]; the Pennsylvania Clean Streams Act (Act 1937-394, as amended)[49]; and the U.S. Clean Water Act, Section 404, 33, U.S.C. § 1344. No permit shall be issued until this determination has been made.

C. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

D. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Overlay Zone,

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47. Editor's Note: See 35 P.S. § 750.1 et seq.

48. Editor's Note: See 32 P.S. § 693.1 et seq.

49. Editor's Note: See 35 P.S. § 691.1 et seq.

upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Part.

E. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall take appropriate action in accordance with this Part which can include revoking the permit and reporting such fact to the City Solicitor's office for whatever action it considers necessary.

F. The Floodplain Administrator shall maintain all records associated with the requirements of this Part including, but not limited to, permitting, inspection and enforcement.

G. The Floodplain Administrator shall coordinate his/her duties with the City's codes official and with the requirements of the PA Uniform Construction Codes as adopted in Chapter 180, Construction Codes.

§ 600-1810. Floodplain permit application procedures and requirements.

A. Application for the permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the City of Reading. Such application shall contain the following:

(1) Name and address of applicant;

(2) Name and address of owner of land on which proposed construction is to occur;

(3) Name and address of contractor;

(4) Site location, including address;

(5) Listing of other permits required;

(6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred, where appropriate; and

(7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within the Floodplain Overlay Zone, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

(1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

(2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided so as to reduce exposure to flood hazards;

(4) Structures will be anchored to prevent floatation, collapse, or lateral movement;

(5) Building materials are flood-resistant;

(6) Appropriate practices that minimize flood damage have been used; and

(7) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

(1) A completed permit application form;

(2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(a) North arrow, scale, and date;

(b) Topographic contour lines, if available;

(c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

(d) The location of all existing streets, drives, and other accessways;

(e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities; and

(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

(b) The elevation of the base flood;

(c) Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC; and

(4) The following data and documentation:

(a) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood;

(b) Detailed information concerning any proposed floodproofing measures and corresponding elevations;

(c) Documentation, certified by a registered professional engineer or a registered architect, to show that the cumulative effect of any proposed development when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point;

(d) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the

type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development;

(e) Detailed information needed to determine compliance with § 600-1824F, Storage, and § 600-1825, Development which may endanger human life, including:

[1] The amount, location and purpose of any materials or substances referred to in §§ 600-1824F and 600-1825, which are intended to be used, produced, stored or otherwise maintained on site;

[2] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 600-1825 during a base flood;

(f) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development"; and

(g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

D. Applications for permits shall be accompanied by a fee, payable to the City of Reading based upon the fee schedule established in Part 2 of this chapter, as amended.[50]

§ 600-1811. Review of permit application by others.

A copy of all plans and permit applications for any proposed construction or development in any Floodplain Overlay Zone to be considered for approval shall be submitted by the Floodplain Administrator to other appropriate City agencies and/or staff, including but not limited to the Zoning Hearing Board, the Planning Commission, the Community Development Director, Building and Trades and the City Engineer for review and recommendations.

§ 600-1812. Changes to permit.

After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, the permit or any of the plans, specifications or other documents submitted with the application without the prior written approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Floodplain Administrator for consideration.

§ 600-1813. Placards.

In addition to the permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance, and shall be signed by the Floodplain Administrator.

§ 600-1814. Start of construction.

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50. Editor's Note: See Ch. 212, Fees.

A. Work on the proposed construction or development shall begin within 180 days after the date of issuance of the floodplain permit and shall be completed within 12 months after the date of issuance of the permit, or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

§ 600-1815. Enforcement.

A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for its issuance;

(3) Allow a reasonable time, not to exceed a period of 30 days, for the performance of any action it requires;

(4) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by Pennsylvania law;

(5) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Part.

B. Penalties. Any person who fails to comply with any of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized representative of the City shall be guilty of a misdemeanor and upon conviction shall pay a fine to the City of Reading, in accordance with the provisions of § 600-206. In addition to the penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within

a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Part may be declared by City Council to be a public nuisance and abatable as such.

§ 600-1816. Appeals.

A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Part, may appeal to the Zoning Hearing Board in accordance with this chapter.

B. Upon receipt of such appeal, the Zoning Administrator shall set a time and place as established in this chapter for the purpose of considering the appeal.

C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of the commonwealth, including the Pennsylvania Floodplain Management Act.[51]

§ 600-1817. Floodplain Overlay Zone identification.

A. The identified floodplain areas shall be all areas within the City of Reading, classified as special flood hazard areas (SFHA) in the Flood Insurance Study (FIS) and indicated on the accompanying Flood Insurance Rate Maps (FIRMs) dated July 3, 2012 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

B. The above referenced FIS and FIRMs, and any subsequent revisions and amendments, are hereby adopted by City of Reading and declared to be a part of this Part.

§ 600-1818. Description and requirements of the floodplain overlay subdistricts.

The Floodplain Overlay Zone (or "Floodplain Zone") and its subdistricts referred to in this Part shall be considered a mandatory zoning overlay zone, and shall be subject to the requirements contained in this Part as well as the qualifications and restrictions of the underlying zoning districts and any other applicable overlay zones. The Floodplain Overlay Zone shall consist of the following subdistricts:

A. The floodway subdistricts shall be those areas identified as floodway areas on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point.

(1) Within any floodway subdistrict, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Such technical data should be submitted to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed

51. Editor's Note: See 32 P.S. § 679.101 et seq.

professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

(2) The following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other applicable overlay zone or ordinance, and provided the use does not require a structure, fill or storage of materials and equipment.

(a) Accessory residential uses such as yard areas, gardens, play areas and parking areas.

(b) Accessory industrial and commercial uses such as yard areas, parking and loading areas and airport landing strips.

(3) The following uses and activities may be permitted by special exception, provided that they are in compliance with the provisions of the underlying district and provided they will not present a flood hazard, or an obstruction to flood flow or a movable hazard, and are not prohibited by any other applicable overlay zone or ordinance:

(a) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage plants, and other similar or related uses;

(b) Water-related uses such as boat landings that do not present an encroachment;

(c) Extraction of sand, gravel and other materials;

(d) Temporary uses such as circuses, carnivals and similar events;

(e) Storage of certain materials in underground storage tanks provided they are not buoyant, flammable, explosive or contain any materials listed in § 600-1825.

(4) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office. The proposed development activity may be permitted if the analyses demonstrate that the activity:

(a) Will not result in any increase in the base flood elevation; or

(b) Will result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision has been issued by FEMA and the applicant completes all of the following:

[1] Submits technical data required in § 600-1810;

[2] Evaluates alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

[3] Certifies that no structures are located in areas which would be impacted by the increased base flood elevation;

[4] Documents that individual legal notices have been delivered to all impacted property owners to explain the impact of the proposed action on their properties;

[5] Requests and receives concurrence of the Floodplain Administrator for the City of Reading and the Floodplain Administrator for any other community impacted by the proposed actions; and

[6] Notifies the Pennsylvania Department of Environmental Protection.

B. The Zone AE Without Floodway Subdistrict (previously referred to as the "Flood-Fringe District") shall include those areas within Zone AE and outside of the floodway area as identified on the FIRM included in the FIS prepared by FEMA. The Zone AE Without Floodway Subdistrict comprises those areas that lie between the Zone AE floodplain boundary and the floodway boundary as indicated on the FIRM.

(1) In the Zone AE Without Floodway Subdistrict, no permit shall be granted for any construction, development, use, or activity unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

(2) Development and use may be permitted in accordance with the regulations of the underlying district and with other applicable overlay zones provided that the proposed use, activity and/or development complies with the restrictions included herein. Refer to the prohibited and special exception restrictions included in §§ 600-1829 and 600-1830.

C. The Zone A Subdistrict shall be those areas identified within the Zone A areas on the FIRM included in the FIS prepared by FEMA, and for which no base flood elevations have been provided, if applicable. For these areas, elevation and floodway information shall be obtained from other federal agencies, state, or other acceptable published sources when available. When other acceptable published information is not available, the base flood elevation shall be determined by using the methods prescribed in the FEMA Guide for Approximate Zone A Manual, latest edition.

(1) If the above determination is insufficient to adequately define the base flood elevation, the City will require a determination utilizing detailed engineering methods. Under this requirement, the applicant shall determine the base flood elevation utilizing hydrologic and hydraulic engineering techniques, and shall submit such technical data to the Floodplain Administrator and to FEMA. Hydrologic and hydraulic analyses shall be prepared by professional engineers, or in certain cases professional licensed surveyors, who shall certify that the technical methods used correctly reflect currently accepted engineering procedures. Studies, analyses, computations, etc., shall be submitted in sufficient detail and in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision to allow a thorough technical review by the municipality. Submittal requirements and processing fees shall be the responsibility of the applicant.

(2) The proposed development activity may be permitted if the analysis demonstrates that the cumulative effect of the proposed development activity, when combined with all other existing and potential flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point.

(3) Development and use may be permitted in accordance with the regulations of the underlying district and with other applicable overlay zones, provided that the

proposed use, activity and/or development complies with the restrictions included herein. Refer to the prohibited and special exception restrictions included in §§ 600-1829 and 600-1830.

D. The Shallow Flooding Subdistrict shall be those areas identified as Zones AO and AH on the FIRM and in the FIS, as well as those shallow flooding areas which have been identified in other studies or sources. These areas are subject to inundation by one-percent-annual-chance shallow flooding where average depths are between one foot and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes. Development and use may be permitted in accordance with the regulations of the underlying district and with other applicable overlay zones, provided that the proposed use, activity and/or development complies with the restrictions included herein. Refer to the prohibited and special exception restrictions included in §§ 600-1829 and 600-1830.

§ 600-1819. Changes in identification of Floodplain Overlay Zone.

The Floodplain Overlay Zone may be revised or modified by the City where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

§ 600-1820. District boundary disputes.

Should a dispute concerning any Floodplain Overlay Zone boundary arise, an initial determination shall be made by the City of Reading Planning Commission, and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

§ 600-1821. Jurisdictional boundary changes.

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR 60.3.

§ 600-1822. General technical provisions.

A. Alteration or relocation of watercourse.

(1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the City, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

(2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.

(3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development Department shall be notified prior to any alteration or relocation of any watercourse.

B. Alteration or changes to the base flood elevation. Technical or scientific data shall be submitted by the applicant to FEMA for a Conditional Letter of Map Revision (CLOMR), or a Letter of Map Revision (LOMR), or other activity resulting in changes in the BFE. The situations when a LOMR or a CLOMR are required are:

(1) For any development that will cause any rise in the base flood elevations within the Floodway Subdistrict;

(2) For any development occurring in the Zone A Subdistrict or Zone AE Without Floodway Subdistrict, which will cause a rise of more than one foot in the base flood elevation; or

(3) For alteration or relocation of a stream (including but not limited to installing culverts and bridges).

C. Alterations to the floodway.

(1) Within the Zone A Subdistrict or the Shallow Flooding Subdistrict, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a water obstruction permit is obtained from the Pennsylvania Department of Environmental Protection.

(2) For development in the Floodway Subdistrict and the Zone AE Without Floodway Subdistrict, refer to § 600-1818.

D. Any new construction, development, uses or activities allowed within any identified floodplain area or within the Floodplain Overlay Zone shall be undertaken in strict compliance with the provisions contained in this Part and all other applicable codes, ordinances and regulations.

§ 600-1823. Elevation and floodproofing requirements.

A. Residential structures.

(1) Within the Zone AE Without Floodway Subdistrict, any new construction or substantial improvement shall have the lowest floor (including basement) elevated to at least 1 1/2 feet above the Base Flood Elevation (BFE).

(2) Within the Zone A Subdistrict, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated to least 1 1/2 feet above the BFE, determined in accordance with § 600-1818C of this Part.

(3) Within Shallow Flooding Subdistrict (if applicable), any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the flood depth number specified on the FIRM.

(4) The design and construction standards and specifications contained in Chapter 180, Construction Codes, Chapter 295, Historic Districts, and Chapter 302, House Numbering, shall be utilized.

B. Nonresidential structures.

(1) Within the Zone AE Without Floodway Subdistrict, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated to least 1 1/2 feet above the BFE.

(2) In the Zone A Subdistrict, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed to least 1 1/2 feet above the BFE, determined in accordance with section § 600-1818C of this Part.

(3) In Zone AO (if applicable), any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the flood depth number specified on the FIRM.

(4) Any nonresidential structure, or part thereof, made watertight below the BFE shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

(5) The design and construction standards and specifications contained in Chapter 180, Construction Codes, Chapter 295, Historic Districts, and Chapter 302, House Numbering, shall be utilized.

C. Space below the lowest floor.

(1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

(2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space;

(b) The bottom of all openings shall be no higher than one foot above grade;

(c) Openings may be equipped with screens, louvers, etc. or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

D. Historic structures. See Part 22, Definitions, for requirements for the substantial improvement of any historic structures.

E. Accessory structures shall meet the requirements of these regulations.

§ 600-1824. Design and construction standards.

The following minimum standards shall apply for all construction and development proposed within the Floodplain Overlay Zone, except for development within the Floodway Subdistrict:

A. Fill.

(1) Disposal of fill, including but not limited to rubble, construction debris, woody debris, and trash, shall not be permitted in the Floodplain Overlay Zone.

(2) If engineered fill is used for building purposes, it shall meet all of the FEMA development criteria, including but not limited to:

(a) Extend laterally at least 15 feet beyond the building line from all points;

(b) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;

(c) Be compacted and stabilized to provide the necessary permeability and resistance to erosion, scouring, and settling;

(d) Be no steeper than one vertical to two horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

(e) Be used to the extent to which it does not adversely affect adjacent properties.

(3) Any proposed development, including fill, proposed within the Floodway Subdistrict shall comply with § 600-1818.

B. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and sanitary sewer facilities and systems.

(1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.

(3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

(4) The design and construction provisions of the UCC and FEMA No. 348, Protecting Building Utilities From Flood Damages, and The International Private Sewage Disposal Code, shall be utilized.

D. Other utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory food elevation.

F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and which are not listed in § 600-1825, Development which may endanger human life, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.

G. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

H. Anchoring.

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

(2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, walls and ceilings.

(1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

(4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

J. Paints and adhesives.

(1) Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.

(3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a marine or water-resistant paint or other finishing material.

K. Electrical components.

(1) Electrical distribution panels shall be at least three feet above the base flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M. Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

N. Uniform Construction code coordination. The Standards and Specifications contained in 34 Pa. Code (Chapters 401 through 405), as amended, and not limited to the following provisions, shall apply to the above and other sections of this Part, to the extent that they are more restrictive and supplement the requirements of this Part:

(1) International Building Code (IBC) 2009 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

(2) International Residential Building Code (IRC) 2009 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

§ 600-1825. Development which may endanger human life.

A. In accordance with the Pennsylvania Floodplain Management Act,[52] and the regulations adopted by the Pennsylvania Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: will be used for the production or storage of any of the following dangerous materials or substances; or, will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be prohibited within the Floodplain Overlay Zone.

B. The following list of materials and substances are considered dangerous to human and/or aquatic life:

(1) Acetone.

(2) Ammonia.

(3) Benzene.

(4) Calcium carbide.

(5) Carbon disulfide.

(6) Celluloid.

(7) Chlorine.

(8) Hydrochloric acid.

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52. Editor's Note: See 32 P.S. § 679.101 et seq.

(9) Hydrocyanic acid.

(10) Magnesium.

(11) Nitric acid and oxides of nitrogen.

(12) Petroleum products (gasoline, fuel oil, etc.).

(13) Phosphorus.

(14) Potassium.

(15) Sodium.

(16) Sulphur and sulphur products.

(17) Pesticides (including insecticides, fungicides, and rodenticides).

(18) Radioactive substances, insofar as such substances are not otherwise regulated.

§ 600-1826. Special requirements for subdivisions.

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in the Floodplain Overlay Zone where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§ 600-1827. Special requirements for manufactured homes.

A. Within the Floodplain Overlay Zone, manufactured homes shall be prohibited within the floodway or the area measured 50 feet landward from the top-of-bank of any watercourse.

B. Where permitted within the Floodplain Overlay Zone, all manufactured homes, and any improvements thereto, shall be:

(1) Placed on a permanent foundation;

(2) Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation; and

(3) Anchored to resist flotation, collapse, or lateral movement.

C. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto, shall apply and 34 Pa. Code Chapters 401 through 405.

D. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 Pa. Code, as amended where appropriate

and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit(s) proposed installation.

§ 600-1828. Special requirements for recreational vehicles.

Recreational vehicles within the Floodplain Overlay Zone must either:

A. Be on the site for fewer than 180 consecutive days;

B. Be fully licensed and ready for highway use; or

C. Meet the permit requirements for manufactured homes in § 600-1827.

§ 600-1829. Prohibited uses.

In accordance with the administrative regulations promulgated by the Pennsylvania Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following uses shall be prohibited within the Floodplain Overlay Zone:

A. The construction, enlargement or expansion of any of the following uses; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

(1) Hospitals;

(2) Nursing homes;

(3) Jails or prisons.

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

§ 600-1830. Special exception uses and special exception application requirements.

A. The development or placement of a new dwelling within the Floodplain Overlay Zone shall only be permitted by a special exception. Refer to § 600-1818 for other types of developments requiring a special exception. The applicant for a special exception shall bear the burden of proof that the proposed development meets the requirements set forth in this Part. Dwellings are not permitted within the Floodway Subdistrict; refer to § 600-1818.

B. Applicants for special exceptions within the Floodplain Overlay Zone shall comply with the application requirements set forth in this Part pertaining to special exceptions. In addition, the application shall include five copies of the following items:

(1) A written request including a completed Floodplain Permit Application Form;

(2) A small-scale map showing the vicinity in which the proposed site is located;

(3) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(a) North arrow, scale and date;

(b) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of not more than two feet;

(c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

(d) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

(e) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

(f) The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;

(g) The location of all proposed buildings, structures, utilities, and any other improvements; and

(h) Any other information which the municipality considers necessary for adequate review of the application.

(4) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

(a) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

(b) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

(c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;

(d) Detailed information concerning any proposed floodproofing measures;

(e) Cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

(f) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

(g) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities;

(5) The following data and documentation:

(a) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

(b) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;

(c) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;

(d) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;

(e) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;

(f) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";

(g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

(h) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166;[53] and

(i) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

§ 600-1831. Special exception application review procedures.

Upon receipt of an application for a special exception, the following procedures shall apply in addition to those of § 600-1810. Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Planning Commission and City Engineer for review and comment.

A. If an application is received that is incomplete, the City shall notify the applicant in writing, stating in what respect the application is deficient.

B. If the City decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

§ 600-1832. Special exception technical requirements.

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53. Editor's Note: See 32 P.S. § 679.302.

A. In addition to the requirements of § 600-1830, the following minimum requirements shall also apply to any proposed development requiring a special exception. If there is a conflict between any of the following requirements and any other section within this Part, or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a special exception shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

(1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

(a) The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE;

(b) The lowest floor (including basement) will be elevated to at least 1 1/2 feet above base flood elevation;

(c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood; and

(2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the City and the Pennsylvania Department of Community and Economic Development.

§ 600-1833. Existing structures in identified floodplain areas.

The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures within the Floodplain Overlay Zone. However, when an improvement is made to any existing structure, the provisions of § 600-1834 shall apply.

§ 600-1834. Improvements to existing structures.

The following provisions shall apply whenever any improvement is made to an existing structure located within the Floodplain Overlay Zone:

A. No expansion or enlargement of an existing structure shall be allowed within the Floodway Subdistrict that would cause any increase in BFE.

B. No expansion or enlargement of an existing structure shall be allowed within the Zone AE Without Floodway Subdistrict or the Zone A Subdistrict that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with § 600-1823 and all other applicable provisions of this Part.

D. The above activity shall also address the requirements of the 34 Pa. Code, as amended and the 2009 IBC and the 2009 IRC.

§ 600-1835. Granting of variances.

If compliance with any of the requirements of this Part would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

§ 600-1836. Variance procedures and conditions.

A. Requests for variances shall be considered by the City in accordance with the procedures contained in § 600-1816 and the following:

(1) No variance shall be granted for any construction, development, use, or activity within any Floodway Subdistrict that would cause any increase in the BFE.

(2) No variance shall be granted for any construction, development, use, or activity within the Zone AE Without Floodway Subdistrict that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.

(3) Except for a possible modification of the regulatory BFE requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to a development regulated by prohibited uses (§ 600-1829) or to development which may endanger human life (§ 600-1825).

(4) If granted, a variance shall involve only the least modification necessary to provide relief.

(5) In granting any variance, the City shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Part.

(6) Whenever a variance is granted, the City shall notify the applicant in writing that:

(a) The granting of the variance may result in increased premium rates for flood insurance;

(b) Such variances may increase the risks to life and property.

(7) In reviewing any request for a variance, the City shall consider, at a minimum, the following:

(a) That there is good and sufficient cause;

(b) That failure to grant the variance would result in exceptional hardship to the applicant;

(c) That the granting of the variance will:

[1] Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;

[2] Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(8) A complete record of all variance requests and related actions shall be maintained by the City. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

B. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent-annual-chance flood.

§ 600-1837. Word usage.

Unless specifically defined below, words and phrases used in this Part shall be interpreted so as to give this Part its most reasonable application. Refer also to Part 22, Definitions. If duplication of terms or conflict occurs, then the definitions listed below will take precedence.

§ 600-1838. Specific definitions.

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

ACCESSORY USE OR STRUCTURE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD — A flood which has a 1% chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood" or "one-percent-annual-chance flood").

BASE FLOOD DISCHARGE — The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor below ground level on all sides.

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

CITY — City of Reading, Pennsylvania.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) — The Official Map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURES — Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

    (1) By an approved state program as determined by the Secretary of the Interior; or

    (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Part.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after July 3, 2012 and includes any subsequent improvements to such structures. Any construction started after September 29, 1978 and before July 3, 2012 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

PERSON — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

POST-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated 9-29-1978, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE — A structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated 9-29-1978, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE — A vehicle which is:

A. Built on a single chassis;

B. Not more than 400 square feet, measured at the largest horizontal projections;

C. Designed to be self-propelled or permanently towable by a light-duty truck;

D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet.

REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood

event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL EXCEPTION FOR FLOODPLAIN USES — A special approval which is required for certain developments when such developments are located in all, or a designated portion of the Floodplain Overlay Zone.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION — The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT —

A. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

B. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Part must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality,[54] a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5), is presumed to be in violation until such time as that documentation is provided.

§ 600-1839. Adoption.

Part 18 shall be effective on July 3, 2012, and shall remain in force until modified, amended or rescinded by City of Reading, Berks County, Pennsylvania.

54. Editor's Note: See Ch. 180, Construction Codes.

Part 19
Heliports

§ 600-1901. Where permitted.

Heliports shall be permitted as an accessory use, building or structure in the M-C Manufacturing/ Commercial and H-M Heavy Manufacturing Zoning Districts and on hospital properties in all zoning districts, provided that a license is obtained from the Pennsylvania Department of Transportation, Bureau of Aviation.

§ 600-1902. General requirements.

All heliports shall:

A. Have a minimum landing size of twice the length of the helicopter used.

B. Have a landing pad not less than 32 feet in diameter.

C. Be approachable from two directions.

D. Provide sufficient clearances, 8:1 ratio, so as to permit landings and takeoffs from the outer limits of the landing pad.

E. Have 8:1 ratio approach lanes.

F. Have flight paths 200 feet wide and 500 feet outward from the outer edge of the landing pad.

G. Have a wind direction indicator and appropriate lighting.

H. Conform to all regulations as promulgated by the Pennsylvania Department of Transportation, Bureau of Aviation.

§ 600-1903. Permits.

No heliport shall be used, maintained or operated until a permit is secured from the Zoning Administrator.

§ 600-1904. Revocation of permits.

Permits shall automatically be revoked if:

A. The Pennsylvania Department of Transportation, Bureau of Aviation, revokes or refuses to re-license the primary operator or the heliport.

B. An operator of a heliport fails to cure any defect or nonconformity with regulations as established by this section or the Pennsylvania Department of Transportation, Bureau of Aviation, within 30 days, of being notified of such defect or nonconformity.

Part 20
Airport Overlay Zones

§ 600-2001. Purposes.

This Part is enacted to insure and promote the health, safety and welfare of the general public and property in and about the Reading Regional Airport, to protect the users, facilities and services of the airport, to prevent hazardous conditions to the users, facilities or services of the airport and to eliminate, remove, mitigate, mark or light any existing hazard which cannot be completely abated.

§ 600-2002. Applicability.

The provisions of this Part shall apply to all lands within the City that are shown on the official Airport Approach Zoning Map as being located within the boundaries of any airport zone.

§ 600-2003. Airport zones.

Airport zones shall be overlays to the underlying zoning districts as shown on the Official Zoning Map. If there is any conflict between the provisions or requirements of this Part and any other zoning provision, the more restrictive provision shall apply.

§ 600-2004. Airport Approach Zone identification.

The airport zones as shown on the official Airport Approach Zoning Map are:

A. Conical zone.

B. Horizontal zone.

C. Precision instrument runway approach zone.

D. Runway larger than utility visual approach zone.

E. Runway larger than utility with a visibility minimum greater than three-quarters of a mile nonprecision instrument approach zone.

F. Transitional zone.

G. Utility runway–visual approach zone.

§ 600-2005. Airport height limitations.

A. No building, structure or portion thereof or any other obstruction shall be erected, altered or maintained in excess of the height limitations as established hereinafter for each zone.

B. The height limitations for each zone are as follows:

(1) Conical Zone. One hundred fifty feet above the airport elevation at the intersection with the Horizontal Zone and extending thereafter 20 feet horizontal for each foot of vertical elevation extending to a height of 350 feet above the airport elevation.

(2) Horizontal Zone. One hundred fifty feet above the airport elevation.

(3) Precision Instrument Runway Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending 50 feet horizontal for each one foot vertical for a distance of 10,000 feet along the extended runway center line and thereafter 40 feet horizontal for each foot vertical to a horizontal distance of 40,000 feet along the extended runway center line.

(4) Runway Larger Than Utility Visual Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending 20 feet horizontally for each foot vertically to a distance of 5,000 feet along the extended runway center line.

(5) Runway larger than utility with a visibility minimum greater than three-quarters of a mile Nonprecision Instrument Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending 50 feet horizontally for each one foot vertical extending to a horizontal distance of 10,000 feet along the extended runway center line and thereafter 40 feet horizontal for each one foot vertical to an additional horizontal distance of 40,000 feet along the extended runway center line.

(6) Transitional Zone. Beginning at the sides of and at the same elevation as the primary surface and the approach surface extending seven feet horizontal for each foot vertical and extending to a height of 100 feet above the airport elevation and extending to the intersection with the conical surface.

(7) Utility Runway Visual Approach Zone. Beginning at the end of and at the same elevation as the primary surface and extending 20 feet horizontal for each foot vertical a distance of 5,000 along the extended runway center line.

C. Where the precision instrument runway approach zone projects beyond the conical zone, the height: limit shall begin at the side of and at the same elevation as the approach surface extending seven feet horizontal for each foot vertical extending a distance of 5,000 feet horizontal measured at 90° angles to the extended runway center line.

§ 600-2006. Airport exceptions.

Nothing in this Part shall be construed as to prohibit the construction or maintenance of any building, structure or part thereof or obstruction at a maximum height of 35 feet.

§ 600-2007. Airport use restrictions.

No use may be made of land, buildings, structures, objects or water within any district that:

A. Creates electrical interference with navigational signals or radio communication between the airport and aircraft.

B. Makes it difficult for pilots to distinguish between airport lights and others.

C. Results in glare to pilots using the airport.

D. Impairs visibility in the vicinity of the airport.

E. Creates bird strike hazards.

F. Endangers or interfere with the landing and taking off or maneuvering of aircraft.

§ 600-2008. Airport nonconforming uses.

Nothing in this Part shall be construed to require the removal, alteration or change of existing buildings, structures or parts thereof or obstruction not conforming to the regulations as herein set forth. In the event any building, structure or part thereof or obstruction shall violate and/or exceed the limitations as heretofore set forth and is deemed to be a nonconforming use, the owner or lessee thereof shall permit the installation, operation and maintenance thereon of any marker or light that shall be deemed necessary by the airport authority to indicate to the operators of aircraft in the vicinity of the presence of such building, structure, part thereof or obstruction.

§ 600-2009. Special Airport Zone permits.

A. No land, building, structure, part thereof, or obstruction shall be established or changed in any of the airport zones unless a permit therefor has been obtained from the Zoning Administrator.

B. Within the horizontal and conical zones, a permit shall not be required for any building, structure, part thereof or obstruction less than 75 feet in height, provided that such building, structure, part thereof or obstruction does not exceed the height limitations as prescribed hereinbefore.

C. Within the approach zones, and at a horizontal distance not less than 4,200 feet from each end of a runway, a permit shall not be required for any building, structure, part thereof or obstruction less than 75 feet in height, provided that such building, structure, part thereof or obstruction does not exceed the height limitations as prescribed hereinbefore.

D. Within the transition zones beyond the perimeter of the horizontal zone, a permit shall not be required for any building, structure, part thereof or obstruction less than 75 feet in height, provided that such building, structure, part thereof or obstruction does not exceed above the height limitations as prescribed hereinbefore.

§ 600-2010. Existing uses in Airport Zones.

No use, building, structure, part thereof or obstruction shall be permitted to be altered or changed to become nonconforming in height or more nonconforming in height.

§ 600-2011. Airport variances.

Variances to the provisions of this Part may be granted by the Zoning Hearing Board. In addition to the requirements as established by this chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., the following shall also be considered and required:

A. The application shall be submitted to the Federal Aviation Administration and the Pennsylvania Bureau of Aviation for review. The application shall not be approved if either entity provides a written statement that the proposal would interfere with the operation of air navigation facilities and/or the safe efficient use of navigable air space.

B. Comments of the Airport Manager. A copy of the application shall be furnished to the Airport Manager for advice as to the aeronautical effects of the proposal. The Board is only required to consider comments received prior to the Board's last hearing on the matter. An unfavorable report by the Airport Manager or failure to respond shall not bind the Board, but may be a factor in its decision.

Part 21
Telecommunications Towers And Antennas

§ 600-2101. Purpose and scope.

In an effort to facilitate efficient and adequate communications services and protect the interests of its residents, City Council desires to regulate the construction and the placement of communications towers and antennae. The City recognizes that federal and state statutes and regulations impose certain limitations on the City's ability to regulate the placement and construction of communications towers and antennae. The purpose of these regulations is to:

A. Direct the location of wireless communications facilities.

B. Protect residential and preservation areas and land uses.

C. Minimize adverse visual and environmental impacts through careful design, siting, landscape screening, and innovative camouflaging techniques.

D. Accommodate growing need.

E. Promote co-location in order to minimize the total number of towers throughout the community.

F. Avoid potential damage to adjacent property through careful engineering and siting.

G. Enhance the ability of licensed telecommunications carriers to provide such services to the community quickly, effectively and efficiently.

§ 600-2102. Permitted uses and special exceptions.

A. Telecommunications towers and facilities shall be allowed as provided in the zoning district regulations. No other principal use is permitted on a lot with a tower unless the tower is located on a leased parcel within the lot.

B. Satellite dishes with a maximum diameter of four feet shall be permitted in residential zoning districts and satellite dishes with a maximum diameter of 10 feet shall be allowed in all other districts.

C. For individual antenna attached to an existing structure, see § 600-2106C.

§ 600-2103. Tower and antenna classifications.

All tower, antenna and accessory facilities may be permitted for the following uses if they comply with all of the requirements of this section:

A. Uses:

(1) Personal wireless communications.

(2) FM/television broadcasting.

(3) Land mobile radio systems.

(4) Cellular telephones.

(5) Fixed point-to-point microwave.

(6) Lease tower.

(7) Any other communications use not specifically listed or covered in any of the above six categories.

B. Types:

(1) Monopolies.

(2) Self-supporting lattice towers.

(3) Guy-wired.

(4) Satellite dishes.

(5) Rooftop and facade-mounted antennas and antenna structures.

(6) Alternative tower structures.

§ 600-2104. Applicability.

All new towers or antennas shall be subject to the following regulations, except as provided in § 600-2106B through D:

A. This Part shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

B. Preexisting towers and antennas shall not be required to meet the requirements of this Part, other than § 600-2106D(4) and G.

C. For purposes of implementing this Part, an AM array, consisting of one or more tower units and supporting ground system which functions as one. AM broadcasting antenna shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

§ 600-2105. Submission requirements.

Prior to the construction of a new telecommunications tower or antenna structure, or the installation of an antenna on an existing tower, the applicant shall obtain a zoning permit from the City. The application for such a permit shall include:

A. Required documentation.

(1) The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the proposed telecommunications facility; a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering a new communications tower.

(2) Copy of any FCC construction permit.

(3) Copy of FAA Form 7460-1, "Notice of Proposed Construction or Alteration," if applicable. [See § 600-2106D(3) for details.]

(4) (Reserved)

(5) A technical description of the facility to include:

(a) A description of the tower and the technical and other design factors of the tower.

(b) A description of the capacity of the tower, including the number and types of antennas that it can accommodate.

(6) Evidence of compliance with the airport approach regulations if a tower or structure is within an Airport Approach Overlay Zone.

(7) A wind-loading analysis certified by a licensed professional engineer which demonstrates that the proposed telecommunications equipment will not exceed the structural capacity of the new or existing tower, building or other structure.

(8) The applicant shall be responsible to resolve all instances of interference caused by the actual operation of the tower that occurs after its installation.

(9) An inventory of existing towers, antennas or sites approved for towers or antennas that are owned or operated by the applicant, and are either within the City or within one mile of the border thereof, including specific information about the location, height, and design of each tower. Such information may be shared with other applicants applying for tower or antenna approvals or permits under this chapter to promote co-location.

(10) Landscape and fencing plan showing specific landscape and fencing materials and locations.

(11) Detailed site plan; see Subsection B below.

B. Site plan requirements.

(1) Drawn to a scale of one inch equals 20 feet.

(2) Location map with a scale of one inch equals 800 feet, showing site differentiated by tone or pattern.

(3) Site boundary showing bearings and distances.

(4) Names and addresses of all adjacent property owners.

(5) Location of proposed tower and antenna structure.

(6) Location of guy wire anchors, if applicable.

(7) All existing and proposed structures.

(8) Existing vegetation to be retained, removed or replaced.

(9) Uses, structures, and land-use designations on the site and abutting parcels.

§ 600-2106. General requirements.

A. Location.

(1) The applicant shall confer with the City's planning staff prior to site selection.

(2) The applicant shall satisfactorily demonstrate that the requested location is necessary to satisfy its function within the company grid system.

(3) The applicant shall satisfactorily demonstrate that existing tall structures including, but not limited to, residential and commercial buildings, water tanks, and utility towers within a one-quarter-mile radius of the proposed operation will not accommodate the applicant's proposed operation for one or more of the following reasons:

(a) No existing towers or structures are located within the geographic area that meets engineering requirements.

(b) The proposed antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

(c) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing structure and the interference cannot be prevented at a reasonable cost.

(d) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(e) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(f) A commercially reasonable agreement could not be reached with the owners of such structures.

(4) Before receiving approval for a new tower, the applicant shall satisfactorily demonstrate that all efforts to co-locate antenna(s) have been exhausted.

B. Setbacks.

(1) Telecommunication tower setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located.

(2) Telecommunication towers shall comply with the minimum setback requirements of the zoning district or be set back at least half its height plus 10%, whichever is greater.

(3) Guy-wire anchors, if used, shall be set back a minimum of 20 feet from any lot line.

(4) If additional towers are present on the same lot, exclusive of AM array, the distance from the base of the proposed tower to the base of the nearest tower, if it is self-supporting, or the nearest guy anchor of a non self-supporting tower, shall not be less than one-half the height of the tallest tower.

(5) No communications tower may be located within 500 feet of any residential zoning district, as measured from base of tower.

(6) No communications tower may be located within 1,000 feet of any preservation zoning district, as measured from base of tower.

C. Height.

(1) Measurement of telecommunication tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel.

(2) Height not to exceed 100 feet in areas where tower use is permitted, except a two-hundred-foot height shall apply in the H-M District.

(3) Antennas, antenna structures and satellite dishes attached to buildings, smokestack, water tank, place of worship steeple, high-voltage electric tower or similar existing structures shall not exceed a height of 25 feet above the existing height of such structure and shall be permitted by right in all districts without needing to meet additional setbacks.

(4) An applicant shall request the minimum tower height necessary to satisfy its function in the company's grid system.

D. Structural design.

(1) All telecommunications towers and antenna structures shall be constructed in accordance with ANSI Standards.

(2) The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed telecommunications facility will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industry Association/Telecommunications Industry Association.

(3) All wireless communications towers and antenna structures with a height in excess of 100 feet and within 10,000 feet of nearest airport facility, airport approach, landing strip or heliport shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration.

(4) All wireless communications facilities shall meet all applicable construction codes. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(5) All new telecommunications towers permitted after the effective date of this chapter must be engineered to accommodate additional new users.

E. Finished color/markings.

(1) All telecommunications towers, antennas and antenna structures shall have a galvanized finish; or be painted blue, gray or a noncontrasting color; unless FAA markings are required.

(2) All guy wires associated with guyed towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

F. A minimum of one off-street parking space shall be provided for all commercial telecommunications towers.

G. Access shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all-weather surface for its entire length.

H. All telecommunications towers and antenna structures shall comply with all applicable FCC, FAA, federal, state and local regulations as may apply.

I. Screening, buffering and landscaping.

(1) All ground-mounted telecommunications towers, and any accessory building shall be surrounded by a secure fence with a height of eight feet, and shall be equipped with an appropriate anti-climbing device.

(2) In addition to the fence, the area surrounding the communications tower, antenna, and any accessory structure shall be landscaped in accordance with recommendations from the City of Reading Planning Office.

(3) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide.

(4) Screening of equipment cabinets or structures for antennas mounted on utility or light poles in residential areas shall consist of an evergreen hedge with an ultimate height of at least eight feet and a planted height of at least 36 inches.

(5) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(6) All screening and buffering must be maintained in good condition and repair at all times. Vegetation must be maintained in a healthy growing condition, free of refuse and debris. All screening and buffering must be maintained so as not to obscure the vision of traffic.

(7) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

J. Illumination.

(1) Lighting shall only be installed on a tower if it is required by the FAA. Only the minimum lighting necessary to meet governmental requirements shall be permitted. Strobe lights shall not be allowed, but a conventional flashing light is permitted.

(2) Lighting of facility shall comply with § 600-912 of this chapter.

K. No signs shall be allowed on an antenna or tower.

§ 600-2107. Accessory facilities.

A. One or more accessory facilities containing equipment and control devices for the continuing operation of a tower/antenna may be located on the lot, provided the accessory facilities are clustered together.

B. Accessory facilities may be lighted for security or for maintenance purposes. Any such lighting shall be shielded and no lights shall be emitted upward or spill over onto adjacent properties, and shall comply with § 600-912 of this chapter.

C. At the tower site, the design of the buildings and related structures shall use, to the extent possible, materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

D. No equipment cabinet or other accessory structure shall contain more than 100 square feet of gross floor area or be more than 10 feet in height, unless it meets principal building setbacks.

E. The related unmanned equipment structure for antennas located on towers shall be located in accordance with the minimum yard requirements of the zoning district in which located.

F. Equipment storage buildings or cabinets shall comply with all applicable building codes.

G. The requirements of this section may be modified by the Zoning Administrator in the case of administratively approved or uses permitted by special exception to encourage co-location.

§ 600-2108. Telecommunications environmental impact.

All new telecommunications towers and antenna structures proposed in the City shall conform to the following environmental impact guidelines:

A. Existing on-site vegetation shall be preserved to the maximum extent practicable.

B. If the proposed tower is less than 200 feet high, and is exempt from any special FAA marking requirements, the tower shall be painted as stated in § 600-2106E(1) of the part above the tree line level and painted green below the tree line level in forested or wooded areas.

C. Where the site abuts a public street or a lot that is either zoned residential or used for residential purposes, and where the base of the tower can be seen from the public street or from a dwelling on the residential lot, the site perimeter shall be buffered by planting natural screening which blends in with existing vegetation to provide an effective screen. Such screening shall meet the requirements §§ 600-1402 and 600-2106I of this chapter. Existing vegetation, fences or walls may be used if the Zoning Hearing Board finds:

(1) They achieve about the same amount of screening as described in § 600-1402.

(2) New plantings would have a detrimental effect on the stability, security or maintenance of the tower and/or guy wires.

§ 600-2109. Co-location.

A. Proposed antenna may, and are encouraged to, co-locate on existing telecommunications towers, public utility structures, silos, water tanks, existing tall multifamily or nonresidential buildings, and other appropriate structures. Provided such co-location is accomplished in a manner consistent with § 600-2106, General requirements, then such co-locations are permitted by right and new or additional variance/special exception approval shall not be required.

B. Applications for adding anew antenna to an existing tower shall comply with § 600-2104.

C. A tower, which is modified to accommodate co-location, shall be of the same tower type as existing, unless it is reconstructed as a monopole. Any tower reconstructed to accommodate co-location shall be a monopole.

D. Height.

(1) Existing towers may be modified or rebuilt to a taller height, not to exceed 10% of preexisting height, to accommodate the co-location of additional antenna structure(s).

(2) Height change may occur one time.

(3) Additional height shall not require additional setback and separation distance set forth in § 600-2106B. The tower's pre-modification height shall be used to calculate such distances.

E. Accessory structure(s) shall comply with standards set forth in § 600-2107.

§ 600-2110. Removal of abandoned/unused structures.

If a telecommunications facility remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the facility within six months of notice to do so by the City. Further, the owner or operator of the tower and/or antenna shall post security in a form acceptable to the City favoring the City in an amount to cover tower and/or antenna removal and site clean up. The security shall be utilized by the City in the event that the owner or operator of the tower and/or antenna fails to remove the tower and/or antenna within six months of notification by the City.

§ 600-2111. Telecommunications facility exemption.

* Updated - Ordinance No. 33-2016

A. A commercial telecommunications tower or antenna necessary for and clearly primarily used for emergency communications by the City of Reading Police or Fire Departments, emergency medical services and other similar public safety organizations is exempt from these requirements.

B. All PUC regulated corporations are exempt from these regulations.

§ 600-2112. City-owned property.

A. Telecommunications towers and antennas on City-owned property within the City limits shall comply with this chapter, unless exempt as described in § 600-2111 of this Part.

B. Telecommunications towers and antennas on City-owned property within the jurisdiction of a municipality other than the City of Reading shall comply with that municipality's regulations.

C. All proposals for a new telecommunications tower on City-owned property shall be reviewed by the City of Reading Planning Commission.

§ 600-2113. Telecommunications facility fees.

City Council may establish, by ordinance, a reasonable fee schedule to be paid by the applicant.

Part 22
Definitions

§ 600-2201. Word usage.

A. Words in the present tense shall include the future tense.

B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."

C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.

D. "Sale" shall also include rental.

E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.

F. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

G. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

H. If a term is not defined by this chapter, but is defined in Chapter 515, Subdivision and Land Development, then such SALDO definition shall apply.

I. Except as provided in Subsection H above, any word, term or phrase used in this chapter, but not specifically defined herein, shall be given its plain and ordinary meaning within the context of the provision.

J. The singular shall include the plural and the plural the singular. The present tense shall include the future tense. The word "shall" is always mandatory.

§ 600-2202. Definitions.

The following words and phrases shall have the meanings hereinafter indicated, unless the text clearly states an alternative or different meaning:

ABUT or ABUTTING — Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

ACCESSORY APARTMENT — One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

ACCESSORY BUILDING OR STRUCTURE — A building or structure detached from and subordinate to the main building situated on the same lot and used for purposes customarily incidental to the main building. Drive-through windows and associate canopy, attached or detached from the main building, are an accessory use and structure.

ACCESSORY USE — A use separated from, subordinate to and customarily incidental to the use of the main building and situated on the same lot.

ADJACENT — Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

ADULT BUSINESS or ADULT USE — The definition of "sexually oriented business" in this Part shall apply.

ADULT DAY-CARE CENTER — A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

AFTER-HOURS CLUB — A use that permits the consumption of alcoholic beverages by five or more unrelated persons between the hours of 2:00 a.m. and 6:00 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

AGRICULTURE — The use of a lot, parcel or tract of land for animal husbandry, raising, keeping or selling of truck, field and tree crops. The term "agriculture" does not include riding academies, liveries or boarding stables, commercial dog kennels or the raising of fur-bearing animals.

AIRPORT — A lot, parcel, tract or area of land used for the taking off and landing of airplanes or similar aircraft. See airport approach definitions in § 600-2203.

AIRPORT ELEVATION — An elevation established at 344 feet above the mean sea level.

ALLEY — A thoroughfare having a right-of-way width of 24 feet or less, that primarily serves vehicle traffic and is available for use by the public, but which is not identified as a street on the City's Official Street Mapping.

ALLUVIAL SOILS — Soils deposited by floodwaters in the past that are categorized as alluvial soils by the Berks County Soil Survey or successor soils information.

ALTERATION — A change or rearrangement in any structural part of an existing facility, building or structure or in an exit or entrance, or an enlargement thereof, whether by extension of a side or by an increase in height or by a movement of any or all of a structure from one location or orientation to another.

ALTERNATIVE ENERGY — A source of energy generated from solar, water, wind, geothermal or similar sources, which is capable of providing energy and utilities for a permitted use. **[Added 10-26-2015 by Ord. No. 58-2015]**

ALTERNATIVE ENERGY SYSTEM — A system capable of converting solar, water, wind, and/or geothermal energy into viable energy sources including utilities for a permitted use. Such facilities may include, without limitation, solar panels, wind turbines, geothermal heat pumps, water turbines and/or other compatible alternative energy systems. **[Added 10-26-2015 by Ord. No. 58-2015]**

AMUSEMENT — All manner and form of entertainment, all forms of rides and entertainment at fairgrounds and amusement parks, athletic contests, all other forms of diversion, sport, recreation, pastime, shows, exhibitions, contests, displays and games.

AMUSEMENT ARCADE — A place where amusement devices are provided and utilized as the principal use of the premises.

AMUSEMENT DEVICE — A device, other than a jukebox, that is used or designed to be used to provide amusement or entertainment to the user for a fee, and shall include but shall not be limited to pinball machines, video display games, billiard tables, simulated sport machines and biorhythm machines. Video and computer game devices that permit more than two players shall be considered one device for each two players.

ANIMAL SHELTER and ANIMAL BREEDING FACILITY — These uses shall be considered a type of kennel.

APARTMENT — A dwelling unit contained in a building, structure or part thereof that is not a semidetached dwelling, a single-family attached dwelling or a single-family detached dwelling.

APPLICANT — A person or entity filing an application under this chapter. **[Added 10-26-2015 by Ord. No. 58-2015]**

ASSISTED-LIVING FACILITY — This term shall have the same meaning as a "personal care home."

ATHLETIC CLUBS — See "recreational facilities."

AUTO REPAIR — A use involving the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

AUTO SALES — A building or lot where more than two motor vehicles for sale to the public may be parked, stored, or displayed.

AUTO SERVICE STATION — A place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles are offered for sale at retail to the public. An auto service station may also include supplying services generally required for the operation and maintenance of vehicles, including the sale or dispensing of gasoline or fuel, and/or sale and installation of tires, batteries, automotive accessories and replacement items; providing washing and lubrication services; and performing minor automotive maintenance. Auto service stations shall not be used for painting or repair of vehicle body parts, unless the requirements for auto repair are also met.

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. **[Added 12-16-2013 by Ord. No. 83-2013]**

BANQUET HALL — A facility that is rented for wedding receptions and similar special events and which does not meet the definition of a tavern or nightclub. This use may also occur as an accessory use to a hotel/motel.

BARBER SHOP or BEAUTY SHOP — A type of personal service use involving the cutting and styling of human hair and which is operated by a state-licensed barber or cosmetologist. Such use may also include related activities, involving nails, facials and similar personal appearance services. See § 600-1103.

BASEMENT — A portion of a building or structure that is completely or partially beneath the average elevation of the finished grade.

BEAUTY SHOP — See "barber shop or beauty shop."

BED-AND-BREAKFAST INN — An owner-occupied establishment where the public may, for consideration, obtain sleeping accommodations and a meal served in the guest's room or a public dining room.

BEST PRACTICES — Current industry standards of construction and maintenance for a technology. Best practices are not for purposes of this chapter defined as "state of the art," which is acknowledged to often be prohibitively expensive and to involve standards that are constantly changing. **[Added 10-26-2015 by Ord. No. 58-2015]**

BETTING USE — A place used for lawful gambling activities including, but not limited to, off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate state lottery sales or lawful small games of chance.

BILLBOARD — See § 600-2205.

BOARDER, ROOMER or LODGER — One who pays a stipulated sum to a homeowner for lodging for a definite time period.

BOARDINGHOUSE — A building or structure used to shelter persons who are not "relatives" of the operator, and who live in the building by prearrangement and for definite periods of time and compensation, and which may or may not provide meals for residents, and which does not involve individual dwelling units that are each occupied by a "family." This term shall not include a commercial hotel/motel that serves transient visitors to the area, a personal care home, a nursing home, a dormitory or residence hall owned or operated by a college or university, or a group institution.

BOTTLE CLUB — The definition in Chapter 127, Alcoholic Beverages, shall apply. For the purposes of this chapter, a bottle club shall not include a restaurant in which customers bring their own wine, provided such wine consumption is not allowed between 12:00 midnight and 6:00 a.m., and provided the primary use is the serving of food for consumption on the premises.

BUFFER STRIP — A continuous strip of land, either landscaped or green space, clear of all buildings, structures and parking areas, established to protect one type of land use from another, incompatible use.

BUILDING — Any structure, either open or enclosed, having a roof supported by columns, piers or walls, including but not limited to tents, trailers, dining cars, camp cars or other structures on wheels or having other supports, and unroofed porches, platforms and terraces having vertical faces exceeding three feet above grade. Any structure having an independent entrance or an independent electrical, mechanical, or heating system shall be considered a single building. Any structure used to enclose an area, such as a wall, fence, barricade or stockade, shall not be considered a building. **[Amended 2-14-2011 by Ord. No. 8-2011]**

BUILDING AREA — The aggregate area of any and all floor area of enclosed or roofed buildings or structures. Such area shall be computed by using outside building or structure dimensions of the ground floor measured on a horizontal plane.

BUILDING COVERAGE — The percentage of a lot covered by buildings.

BUILDING HEIGHT — The vertical dimension of a building measured from the average elevation of the finished grade at the perimeter of the building to the highest point of the building. See exceptions in § 600-911.

BUILDING SETBACK LINE — A line that designates the minimum distance between any building and the adjacent street right-of-way or property line, whichever is closer. This line shall be measured from a point or points formed by the intersection of a vertical building wall with the ground (or in the case of a cantilevered building, at the vertical plane which coincides with the most projected surface), to the property line, whichever is closer.

BUSINESS — Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for remuneration or gain or the occupancy or use of a building or premise or any portion thereof for the transaction of business or the rendering or receiving of professional services.

CABARET, ADULT — The definition in Chapter 473, Sexually Oriented Businesses, shall apply.

CANOPY — See "marquee."

CAR WASH — A building or portion thereof used for the manual or mechanical washing of automobiles and other similar vehicles.

CARTWAY — That portion of a street, alley or highway used for vehicular traffic as specified on the City Topographical Survey.

CENTER LINE OF STREET, ROAD, ALLEY OR HIGHWAY — A line equidistant from and parallel to the street, road, alley or highway right-of-way lines.

CERTIFICATE OF OCCUPANCY — Official certification that a premises conforms to provisions of this chapter and Chapter 180, Construction Codes, to the best knowledge of the City staff and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a building cannot be occupied.

CHILD-CARE FACILITIES —

A. DAY-CARE CENTERS —

(1) CHILD DAY-CARE CENTERS — A building or structure, or part thereof, used for the care, at any one time, for part of a twenty-four-hour day, of seven or more children unrelated to the operator, as licensed and regulated by the Pennsylvania Department of Public Welfare.

(2) FAMILY CHILD DAY-CARE HOMES — A building or structure, or part thereof, other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time, for part of a twenty-four-hour day, to four, five or six children unrelated to the operator, as licensed and regulated by the Pennsylvania Department of Public Welfare.

(3) GROUP CHILD-CARE HOMES — A building or structure, or part thereof, in which out of home care is provided, at any one time, for part of a twenty-four-hour day, to more than six but fewer than 16 older school age level children, or more than six but less than 13 children of any age level, as licensed and regulated by the Pennsylvania Department of Public Welfare.

CHURCH — A type of "place of worship."

CINEMA, MOVIE THEATER — See "theater."

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a predetermined distance from the intersection of the center lines.

CLUB, LODGE or SOCIAL BUILDING — A building or structure, or part thereof, used to house a club or social organization not conducted for profit and which is not an adjunct to, operated by, or in connection with a public tavern, cafe or other public place.

COMMERCIAL DISTRICTS — The C-C, C-R, C-N and C-H Districts.

CONDITIONAL USE — A use listed as a conditional use by this chapter, which is only allowed after review by the City Planning Commission and approved by City Council.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership for residential purposes and the remainder of which is designated for common ownership solely by the owners of those portions, in compliance with the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq., or the Pennsylvania Planned Communities Act, 68 Pa.C.S.A. § 5101 et seq. "Real estate" is not a condominium unless the undivided interests in the common elements (portions of a condominium other than the residential units) are vested in the unit owners.

CONVENIENCE STORE — A building, structure or part thereof, containing 12,500 square feet or less floor area, which stores and sells, primarily, prepackaged food, grocery and beverage items. Gasoline sales shall only be allowed if it is specifically permitted in the zoning district.

CONVERSION (RESIDENTIAL) — The alteration of existing building space to result in a change of building space from a principal nonresidential use to one or more dwelling units, or to increase the number of dwelling units within the building.

CORNER LOT — A lot fronting on two intersecting streets. On corner lots, for the purpose of determining setback areas, the front yard shall be considered that area which fronts on the streets; the rear yard is the area opposite the property address.

DEVELOPMENT — Any man-made change to improved or unimproved land including but not limited to buildings, structures, manufactured homes, streets, parking lots, paving, utilities, filing, grading, excavation, mining, dredging or drilling operations, and the subdivision of land.

DORMITORY — A building, structure or portion thereof containing living quarters for full-time students or staff of a college, university, theological school, or medical training program, or religious leaders of a religious order, and which is either owned or managed by said organization.

DWELLING — Any building that is designed or used, in whole or in part, for residential purposes.

DWELLING UNIT — One or more rooms providing living facilities for only one family or an individual, used or intended to be used for sleeping, cooking, bathing and other day-to-day residential activity. Each dwelling unit shall have: its own toilet, bath or shower, sink, sleeping and cooking facilities; and separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another. Each dwelling unit shall only have one kitchen, except for a dwelling unit that lawfully included a second kitchen before the enactment of this chapter.

DWELLING, DUPLEX — A building divided horizontally into two dwelling units.

DWELLING, MULTIPLE-FAMILY OR APARTMENTS — A building designed and used for three or more dwelling units. See also "mid-rise apartments" and "high-rise apartments."

DWELLING, ONE-FAMILY ATTACHED (TOWNHOUSE or ROW HOUSE) — One dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire-resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit.

DWELLING, ONE-FAMILY DETACHED — A single residential building containing one dwelling unit entirely surrounded by open space on the same lot and which is not attached to any other building.

DWELLING, SEMI-DETACHED — A one-family dwelling unit accommodating one family that is attached to a second one-family dwelling unit by a common vertical wall.

DWELLING, TWO-FAMILY DETACHED (DUPLEX) — A building designed and used for two dwelling units and which is not attached to any other building and is not a semidetached dwelling.

EASEMENTS — A liberty, privilege or advantage which one has in the lands of another for a precise and definite purpose not inconsistent with and subordinate to the owner's general property rights.

EMPLOYEES — The highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

ENTERTAINMENT, ACCESSORY USE — Live simulated or recorded musical and/or theatrical performances, which are accessory to the primary use.

ENTERTAINMENT, PRIMARY USE — Live simulated or recorded musical and/or theatrical performances, which are the primary function and purpose of the premises. Primary use entertainment shall be limited to nightclubs, theaters and cinemas.

ESSENTIAL UTILITIES — Cable television and gas, water, sanitary sewer, telephone and electric utilities, whether owned, operated or maintained by a private, public or municipal corporation, authority or agency, including but not limited to all buildings, poles, wires, mains, drains, sewers, pipes, conduits, cable, hydrants and other similar equipment and accessways associated therewith owned, operated or maintained by said private, public or municipal corporation, authority or agency.

FACADE — A building's exterior surface, including doors or windows as viewed by persons not within the building.

FAMILY — One or more persons related by blood, marriage, adoption or foster relationship, legal custody, guardianship or written permission of a person with custody or are the great-grandparent, great-grandchild, grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece, nephew, great uncle, great aunt, great nephew or great niece, living together as a single housekeeping unit; or a group of not more than three unrelated persons over the age of 14 years, who are living together in a single dwelling unit and maintaining a common household with a single cooking facility.

A. A roomer, boarder or lodger shall not be considered a member of the family.

B. Shared housing arrangements, where the individuals are permanent or temporary "roommates," do not constitute family arrangements.

C. The term "family" shall also not include the occupants of a clubhouse, hotel, motel, student home or student housing, fraternity house, sorority house or dormitory.

FENCE — A barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as an enclosure or to separate areas of land.

FIRE AND RESCUE SERVICE OPERATIONS — Includes live-fire training facilities, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of firefighters, emergency medical and disaster responders, and their supporting staff operated by either the City's Department of Fire and Rescue Services or the County of Berks.

FIRE STATION — Any building owned, occupied or managed by the City's Department of Fire and Rescue Services, used primarily for the housing and readiness of fire fighting and rescue vehicles and apparatus, including but not necessarily limited to engines, ladders and ambulances. Fire stations may include residential accommodations for on-duty personnel, when limited to 20% of the station's total gross floor area and in compliance with applicable building codes.

FITNESS/HEALTH CENTERS — Facilities providing fitness, health and dietary instruction and training by certified professionals. Aerobic, cardiovascular and weight training instruction and equipment may be available as well as martial arts instruction, aquatic activities, and massage and other physical therapy.[55]

FLOOR AREA, GROSS — The total area of all floors of a building as measured to the outside surfaces of exterior walls.

FLOOR AREA, NET — The total floor area of a building excluding areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of storage or buildings, rest rooms, utilities, dressing rooms, fitting or alteration rooms as well as hallways, corridors, stairways, elevators and entry vestibules.

FREE STANDING ALTERNATIVE ENERGY SYSTEM — A system that is not physically mounted, attached and/or connected (except utility and energy transfer connections) to a permitted principal building. All such facilities shall be considered a separate or accessory structure that has the ability to convert and convey energy to the principal use in accordance with all pertinent zoning, utility and building code requirements. **[Added 10-26-2015 by Ord. No. 58-2015]**

FRONTAGE — That part of a lot abutting a street right-of-way (as specified on the City's Official Street Mapping), commonly referred to in terms of "feet of frontage."

GAMING FACILITY — A licensed gaming facility as authorized by the Commonwealth of Pennsylvania, pursuant to 4 Pa.C.S.A Ch. 11, entitled "Pennsylvania Race Horse Development and Gaming Act," as amended from time to time, including but not limited to a facility allowed to operate slot machines and/or table games.

GARAGE, PRIVATE — A building or part thereof, whether or not enclosed, used for the storage of vehicles or used for the convenience of the owner or occupants of the main building and in which no business, use or service is rendered, provided or conducted for the benefit of the general public.[56]

GAZEBO — A freestanding roofed accessory structure with mostly open sides that shall be regulated as an accessory building.

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55. Editor's Note: The original definition "floodplain," which immediately followed this definition, was repealed 6-11-2012 by Ord. No. 64-2012.

56. Editor's Note: Former definition, "garage, public," which immediately followed this definition, was repealed 2-14-2011 by Ord. No. 8-2011.

GEOTHERMAL HEAT PUMP — An energy system utilized for heating and cooling purposes through a series of heat-exchanging pipes or tubes integrated into the ground, groundwater or surface water with a heat-exchanging media that flows through a loop system. **[Added 10-26-2015 by Ord. No. 58-2015]**

GOVERNING BODY — City Council of the City of Reading.

GRADE — The surface of the ground, lawns, walks or streets adjoining the exterior walls of any building.

GRADE, FINISHED — The completed surface of the ground, lawns, walks or streets adjoining the exterior walls of any building.

GROUP-CARE FACILITY — A household facility of no more than nine 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. **[Amended 12-16-2013 by Ord. No. 83-2013]**

GROUP INSTITUTION — A facility housing 10 or more persons excluding supervisors (not necessarily related by blood, marriage, adoption or legal guardianship), who because their physical or emotional condition or their social or interpersonal skills, would otherwise limit, inhibit or prevent their ability to function as useful or productive members of society, and who are provided supportive services and supervision through a nonprofit social service agency or other established entity. This term shall not include a treatment center.

HABITABLE FLOOR AREA — The floor area within a building which is maintained for human occupancy. The term "habitable floor area" shall not include basements, garages or accessory building space.

HAZARDOUS WASTE —

A. Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act, or source, special nuclear, or by-product material as defined by the U.S. Atomic Energy Act of 1954, which because of its quantity, concentration, or physical, chemical or infectious characteristics, may:

    (1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.

    (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

B. The term "hazardous waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act, 52 P.S. § 30.51 et seq., and shall not include treatment sludge from coal mine drainage treatment plants, the disposal of which is being carried on pursuant to

and in compliance with a valid permit issued pursuant to the Clean Streams Law, 35 P.S. § 691.1 et seq.

HELIPORT — An area used for helicopters to land and take off, including all auxiliary, service and maintenance facilities related thereto.

HIGH-RISE APARTMENTS — A building or group of buildings containing therein three or more multifamily dwellings designed as an integrated development, exceeding a height of 60 feet and with the dwellings therein, leased to the occupants for a definite period of time of 30 days or more.

HOME OCCUPATION — A routine, accessory and customary nonresidential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a home occupation provided in § 600-1006.

A. MAJOR HOME OCCUPATION — A home occupation that does not meet the additional standards for a minor home occupation in § 600-1006.

B. MINOR HOME OCCUPATION — A home occupation that meets the additional standards for a minor home occupation as provided in § 600-1006. Among other provisions, § 600-1006 requires that a minor home occupation not routinely involve visits to the home occupation by customers or more than one nonresident employee at a time. A minor home occupation also includes, but is not limited to, a use that meets all of the requirements for a "no-impact home-based business" as provided in the State Municipalities Planning Code, 53 P.S. § 10101 et seq. (Note: In most cases, a minor home occupation is permitted by right, while in most cases a major home occupation requires Zoning Hearing Board approval as a special exception.)

(1) NO-IMPACT HOME-BASED BUSINESS — A type of minor home occupation that meets the following definition as provided in the State Municipalities Planning Code: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

(a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(b) The business shall employ no employees other than family members residing in the dwelling.

(c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(h) The business may not involve any illegal activity.

HOTEL — Establishments where the public may, for consideration, obtain sleeping accommodations. Such establishment shall have at least 10 permanent bedrooms for the use of guests, and may provide additional services, such as a restaurant, meeting rooms, and recreational facilities.

IMPERVIOUS COVERAGE — The impervious coverage is the percentage of the lot area of a lot that is covered by building roofs, stone, concrete or asphalt, and/or other man-made surfaces having a coefficient of runoff of 0.6 or greater. The City Engineer shall determine whether a surface would meet this definition.

IMPOUNDMENT — Any body of surface water formed by the construction or excavation of a basin or the obstruction of stream flow in such a manner as to cause the collection of a body of water which would not have formed under natural conditions. **[Added 10-26-2015 by Ord. No. 57-2015]**

IMPROVEMENT — To excavate for or store material, machinery or equipment on a lot in connection with the erection, construction, placement, reconstruction, alteration, repaint, extension, replacement, restoration or conversion of any structure, building and/or sign, except if specifically excluded by this chapter; or to change the use, area of use, or percentage of use; or to extend or displace the use in part or in total of any structure, building, sign and/or land.

INDUSTRIAL DISTRICTS — The M-C and H-M Districts.

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. **[Added 12-16-2013 by Ord. No. 83-2013]**

JUNKYARD — A lot, building or part thereof, which is used to collect and/or store wastepaper, rags, scrap material or discarded material, or which is used to collect, dismantle, store or salvage machinery or vehicles which are unlicensed and are not in operating condition, and shall also include the sale, resale, salvage or conversion to some other use, of the parts of machinery or vehicles.

KENNEL — An establishment for the boarding and/or breeding of animals and which involves the keeping of eight or more dogs age three months or older at any one period of time.

LAW ENFORCEMENT OPERATIONS — Includes firing ranges, accessory buildings and activities related to firing ranges, facilities for the disposal of regulated/controlled substances, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of law enforcement officers and their supporting staff, operated by the City's Department of Police.

LIFE-CARE RETIREMENT FACILITY — A residential community developed according to a unified plan for persons of retirement age, which shall include residential dwelling units, and which may also include a personal care home and/or a nursing home, and which has communal dining, recreation areas, open space, parking and related facilities.

LOADING SPACE — An off-street area used for loading and unloading of goods from trucks or trailers and having a direct access to a public street or alley.

LODGE — See "club" or "social club."

LOT — Parcel or tract of land occupied or intended to be occupied, by buildings, accessory buildings, uses or accessory uses as permitted by this chapter. Existing lot sizes shall be determined by reference to any recorded subdivision plan, deed or other record found in the office of the Berks County Recorder of Deeds.

LOT AREA — An area of land that is determined by the limits of the property lines bounding that area and expressed in terms of square feet or acres. Any portion of a street right-of-way shall not be included in determining lot area, based upon the width of the street right-of-way that will exist after development is completed.

LOT COVERAGE — This term shall have the same meaning as "impervious coverage."

LOW-RISE APARTMENT — Buildings that have no more than 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. **[Added 12-16-2013 by Ord. No. 83-2013]**

MANUFACTURED (MOBILE) HOME — A transportable single unit usable as a permanent dwelling, office or place of assembly, or multiple units designed to be joined into one integral unit capable of being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation or attachment to essential utilities. Manufactured homes comply with a Federal Manufactured Housing Construction Code, as opposed to Chapter 180, Construction Codes.

MANUFACTURED (MOBILE) HOME PARK — A parcel of land that has been planned and improved for the placement of mobile manufactured homes for nontransient use, consisting of two or more mobile manufactured home lots.

MANUFACTURING — The treatment or processing of raw products or the production or assembly of finished products from raw or prepared materials into new forms or qualities.

MARQUEE — A roof-like structure which projects from and is supported by the building to which it is attached. Marquees may project over entrances and ground floor windows, provided there is compliance with Chapter 180, Construction Codes, and provided that an encroachment permit is received for any portion within a public right-of-way.

MASSAGE PARLOR — An establishment that does not meet the requirements for a massage therapy use but does meets all of the following criteria:

A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.

B. The use does not involve a person licensed or certified by the state as a massage therapist or a health care professional or a massage therapist certified by a recognized professional

organization that requires a minimum of 80 hours of professional training. Massage therapy by such a certified professional shall be considered personal service.

C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.

D. The massages are conducted within private or semiprivate rooms.

MASSAGE THERAPY — A type of personal service use that meets Chapter 364, Massage Therapists, of the Code of the City of Reading. See also § 600-1103B.

MEDICAL/DENTAL CLINIC — Building, or a part thereof, containing the offices of licensed physicians or dentists and limited to outpatient treatment.

MID-RISE APARTMENTS — A building or group of buildings containing therein one or more multifamily dwellings, originally designed as an integrated development, limited to a height of 60 feet, with the dwellings therein leased to the occupants for a definite period of time of at least 30 days. **[Amended 2-14-2011 by Ord. No. 8-2011]**

MOBILE HOME — See "manufactured home."

MODULAR HOME — A dwelling unit made of one or more prefabricated sections and erected on a permanent foundation, the essential utilities for which may be either prefabricated or installed on-site, and which is constructed to comply with Chapter 180, Construction Codes.

MOTEL — Establishments where the public may, for consideration, obtain sleeping accommodations, having at least eight permanent bedrooms for the use of guests and on-site, off-street parking.

MUNICIPAL BUILDING — A building owned, used or managed by the City of Reading or an agency of a municipality.

MUNICIPAL or MUNICIPALITY — Of or pertaining to the County or City government, or an agency thereof and/or a City-authorized fire company.

MUNICIPALITIES PLANNING CODE or STATE PLANNING CODE — The Pennsylvania Municipalities Planning Code, as reenacted and amended, 53 P.S. § 10101 et seq.

NIGHTCLUB — An establishment that offers amplified music after 12:00 midnight, sells alcoholic beverages primarily for on-site consumption, includes hours open to patrons after 12:00 midnight, has a building capacity of over 150 persons, and has less than 20% of its total sales in food and nonalcoholic beverages.

NONCONFORMING BUILDING — A type of "nonconforming structure" which is a building.

NONCONFORMING LOT — A lot, parcel, or tract of land which does not conform to the dimensional requirements of the zoning district in which said lot, parcel, or tract is situated. To be considered nonconforming, the lot, parcel, or tract of land shall also have predated the implementation of zoning in the City of Reading or was lawfully conforming prior to the enactment of zoning regulations that resulted in the nonconformity.

NONCONFORMING STRUCTURE — A structure or portion thereof which, in its design or location upon a lot, does not conform to the zoning regulations for the district in which it is situated. To be considered nonconforming, the use shall also have predated the implementation of zoning in the City of Reading or was lawfully conforming prior to the enactment of this chapter.

NONCONFORMING USE — Any use of a lot, parcel, tract, building, structure or part thereof which does not conform to the use requirements of the zoning district in which said lot, parcel, tract, building, structure or part thereof is situated. To be considered nonconforming, the use shall also have predated the implementation of zoning in the City of Reading or was lawfully conforming prior to the enactment of zoning regulations that resulted in the nonconformity. A use approved by a use variance shall not be considered to be a nonconforming use.

NURSING HOME — A facility licensed by the Commonwealth of Pennsylvania as a nursing home.

OCCUPANCY — Use of a building or lot for a specific purpose.

OCCUPIED BUILDING — A building located on a parcel of land utilized as a permitted use in accordance with the provisions of the City of Reading Zoning Ordinance. **[Added 10-26-2015 by Ord. No. 58-2015]**

OFFICE — A commercial establishment or use involving clerical, professional or administrative work, which may include the provision of customer services. No storage or display of goods and products for sale shall be permitted in any office.

OFF-STREET PARKING AREA, PRIVATE — An area on private property designed and used for the parking or storage of one or more passenger vehicles as an accessory use. Private off-street parking areas shall include private garages, carports and improved accessory parking spaces.

OFF-STREET PARKING AREA, PUBLIC — An open space, other than a street or other public right-of-way, designed and used by the general public for the parking of vehicles.

OWNER — Any person, agent, firm or corporation having any legal, equitable or leasehold interest in property.

PARKING SPACE — An area designed and used for the parking of a motor vehicle, exclusive of passageways, driveways and accessways appurtenant thereto.

PAWN SHOP — An establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer goods, jewelry and other personal property held by the pawn shop. See the record-keeping requirements of the State Pawnbrokers License Act, 68 P.S. § 281-1 et seq.

PERFORMING ARTS FACILITY — Any facility, whether or not operated for profit, primarily engaged in providing live theatrical performances.

PERMIT, BUILDING — A certificate issued by the Building Inspector for the construction, reconstruction, remodeling, alteration or repair of a building, structure or part thereof.

PERMIT, SPECIAL EXCEPTION — A certificate issued by the Zoning Administrator, after approval by the Zoning Hearing Board, for the conduct of a special exception use, which indicates thereon that the requirements governing special exceptions in this chapter and all other applicable zoning requirements have been met.

PERMIT, TEMPORARY USE — A certificate issued by the Zoning Administrator, for the conduct of a use for a limited time period indicating the duration of the permit and indicating that all special requirements governing such use and all other applicable zoning requirements have been met.

PERMIT, ZONING — A certificate issued by the Zoning Administrator stating that the purpose for which a building or land is to be used is in conformity with all requirements of this chapter for the zoning district in which the use is situated.

PERMITTED USE — A use of a lot, parcel, tract, building, structure, sign or part thereof which is permitted as of right in a particular zoning district.

PERSON — Any natural person, association, partnership, corporation or other similar entity.

PERSONAL-CARE HOME — A facility licensed as such or as an "assisted-living facility" by the Commonwealth of Pennsylvania.

PERSONAL SERVICE — An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, travel agencies, shoe repair shops, household appliance repair shops, massage therapists, and other similar establishments, but shall not include any "adult uses," as herein defined.

PET SHOP — A type of retail store that is approved by the City as a pet shop and which involves the retail sales of animals to the public, but which does involve the on-site breeding of dogs or the boarding of dogs, unless the requirements for a kennel are also met. See requirements in state law for keeping of exotic wildlife.

PETS — Any number of animals traditionally found in a household for the enjoyment, companionship and/or protection of the family. "Pets" means an animal legally obtained, such as from a licensed pet dealer. Livestock, including but not limited to, horses, cows, goats, chickens and other poultry and fowl, indigenous or exotic wild animals such as opossums, skunks, raccoons, squirrels, and endangered, threatened and protected species, are strictly prohibited. See Chapter 141, Animals, of the Code of the City of Reading.

PLACE OF WORSHIP — A building or group of buildings that is primarily used for regularly scheduled public assembly for religious purposes.

PLANNING COMMISSION — The Planning Commission of the City of Reading, unless otherwise stated.

PRINCIPAL BUILDING — The building in which the principal or main use of a lot is conducted.

PRIVATE CLUB — Any building which serves as a meeting place for a selected membership together with any recreation and dining facilities located therein.

PRIVATE ENERGY AND UTILITY PROVIDER — A principal use owned, operated and/or maintained by a private or independent utility company for the purpose of providing energy within a defined service area or grid system in accordance with the provisions established by the Public Utility Commission and the Public Utility Code. **[Added 10-26-2015 by Ord. No. 58-2015]**

PRIVATE SURFACE PARKING FACILITY — Privately owned and operated parking facility with spaces available for short-term and long-term lease.

PROPERTY — A lot.

PROPERTY LINE — The perimeter line of a lot.

PUBLIC NOTICE — Notice given in accordance with the provisions of this chapter and of the Municipalities Planning Code, as amended, 53 P.S. § 10101 et seq.

PUBLIC RIGHT-OF-WAY — Land dedicated to and accepted by a municipality for street or roadway purposes and for the installation of public utilities as specified on the City topographical survey. A public right-of-way shall include the cartway and all sidewalk areas, paved or not.

PUBLIC STREET — Any right-of-way intended for use as a means of vehicular and pedestrian circulation and to provide access to more than one lot, as shown on official street mapping of the City of Reading.

PUBLIC USES — Uses conducted by a municipality, an agency of a municipality, a public utility, a commonwealth agency or a federal agency.

PUBLIC UTILITY — Any use that is owned, operated or managed by a public utility regulated by the Public Utilities Commission or by a municipal authority.

RECEPTION FACILITY — Shall have the same meaning as "banquet hall." **[Added 2-14-2011 by Ord. No. 8-2011]**

RECREATIONAL FACILITY, PRIVATE — Any privately owned and operated athletic facility, whether or not operated for profit, such as health and fitness centers, tennis clubs, gymnastic training centers and the like, and any private membership organization holding a current club license from the Commonwealth of Pennsylvania Liquor Control Board. This category does not include commercially operated game rooms, video arcades and the like, although such amusement devices may be located on the premises when they are clearly incidental to the primary use.

RECREATIONAL FACILITY, PUBLIC — Any public park or playground. Any activity center, gymnasium, natatorium or similar athletic facility owned and operated by a public body.

RECREATIONAL FACILITY, SEMIPUBLIC — Any facility, operated by a nonprofit club licensed by the Commonwealths of Pennsylvania or by any organization granted tax-exempt status by the United States of America Internal Revenue Service, which clearly has as its primary purpose athletic activity and physical exercise. This category also includes neighborhood centers operated by religious or civic associations and which offer a program of instruction and which are not operated for profit. The category does not include amusement centers such as game rooms, video arcades, or the like, although such amusement devices may be located on the premises when they are clearly incidental to the primary use.

RECREATIONAL VEHICLE — A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles include travel trailers, truck-mounted campers, motor homes, folding tent campers and automobiles, buses or trucks adapted for vacation use, snowmobiles, minibikes, all-terrain vehicles, go-carts and boat trailers, and other vehicles not suitable for daily conventional family transportation on City streets and highways.

RECYCLING OPERATIONS — Includes facilities for the collection and organization of recyclable materials, and/or the composting of organic materials. It may include collection events for the general public, where sufficient loading and staging areas are delineated operated by either the City's Department of Public Works or the Berks County Solid Waste Authority.

RESIDENTIAL DISTRICTS — The R-1, R-1A, R-2, R-3 and R-PO Districts. **[Amended 8-26-2013 by Ord. No. 35-2013]**

RESTAURANT — Any establishment at which food is sold for consumption on the premises. The term "restaurant" shall not include any snack bar at a public or community playground, play

field, park or swimming pool operated by a governmental agency or municipal agency for the convenience of the patrons of those facilities.

RESTAURANT, DRIVE-IN OR DRIVE-THROUGH — An establishment where patrons are served food, soft drinks, ice cream and similar confections for principal consumption off the premises or in automobiles parked upon the premises.

RIGHT-OF-WAY — A strip of land occupied, or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or by another public or semipublic use.

RIPARIAN BUFFER — A permanently vegetated open space, including at least 20% trees and shrub cover, on graded and stabilized slopes, extending along and adjacent to a watercourse or impoundment that is managed to protect stability of banks and edges; improve water quality; to reduce the effects of erosion, flash flooding and contaminated runoff; and to act as a transitional zone between upland and aquatic habitat. **[Added 10-26-2015 by Ord. No. 57-2015]**

RIPARIAN BUFFER MAINTENANCE PLAN — A landscape management and maintenance plan that provides best management practices for the establishment of permanent vegetation and property maintenance in riparian buffers, including mulching, mowing, weed control, selection and restoration of herbs, shrubs and trees, and protection of stability and integrity of banks and edges of the watercourse or impoundment. **[Added 10-26-2015 by Ord. No. 57-2015]**

RIPARIAN BUFFER SETBACK — The measured distance from the edge of the banks of a watercourse or impoundment which is required to be maintained as a riparian buffer, as required for the zoning district in which said watercourse is located. **[Added 10-26-2015 by Ord. No. 57-2015]**

ROOF — Structural covering of any material, being supported by columns, piers, metal rods, walls or cantilevered from a principal structure.

ROOMMATE HOUSEHOLDS — A shared housing arrangement where at least two, and no more than three persons not related by blood, marriage, adoption or foster relationship, or are not the great-grandparent, great grandchild, grandparent, grandchild, parent, child, brother, sister, aunt, uncle, niece, nephew, great uncle, great aunt, great nephew or great niece, of each other, live together in a single dwelling unit and/or a single housekeeping unit on a permanent or temporary arrangement. Any exception to this definition in number of persons in the occupancy arrangement requires approval as a special exception review by the Zoning Hearing Board. Said definition or arrangement shall not include any such use that falls within the definition of residential care home or student home.

SCHOOL — A building or part thereof maintained for the purpose of offering instruction, or in which classes are conducted, whether or not for a consideration or tuition, to five or more pupils at one and the same time, or to 25 or more pupils during any school year, the purpose of which is to educate an individual generally or specially or to prepare an individual for more advanced study, and shall include all schools engaged in such education, whether private, public or parochial. The term "school" shall not include any private trade schools, private business schools, private correspondence schools, private music schools, private dance schools, private art schools, private dramatic art schools, private schools of charm or poise, private driver training schools or any type of private school which is nonacademic in character.

SCREENING — The formation of a visual or acoustical barrier using such materials as dense evergreen shrubbery or solid fencing of durable wood or masonry construction.

SETBACK — The required minimum horizontal distance between the building line and the related front, side, or rear property line or right-of-way line.

SETBACK LINE — A line designating the minimum setback from a particular lot boundary or right-of-way line.

SEWER — A public or private utility system designed to collect, centrally treat and dispose of sewage from customers, in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the City, whichever is more stringent.

SEXUALLY ORIENTED BUSINESS — An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio, spa or sexual encounter center, as each term is defined in Chapter 473, Sexually Oriented Businesses, of the Code of the City of Reading. This term shall also regulate a "massage parlor" as defined by this chapter. Massage therapy performed by a certified massage therapist under Chapter 364, Massage Therapists, of the Code of the City of Reading is not included in this definition. The term "sexually oriented business" and "adult use" shall have the same meaning.

SHED — A building that is used for indoor storage but is not used for storage of motor vehicles or hazardous or toxic materials, other than fuel for lawnmowers and appliances. **[Added 2-14-2011 by Ord. No. 8-2011]**

SIGNS — See definitions in § 600-2205.

SITE PLAN — A drawing of a building, structure and/or lot, showing information including, but not limited to, lot and building size and coverage, setbacks, landscaping and uses. Architectural elevations and floor plans are sometimes included.

SITE PLAN REVIEW — A review of proposed development plan by the Zoning Administrator, City Planning Commission or City Council, or all, that is necessary before permission to commence or complete a project can be given.

SOCIAL CLUB (PLCB LICENSED) — Any organization, not conducted for profit, which has a membership defined by its charter bylaws, and is a licensee of the Pennsylvania Liquor Control Board.

SOCIAL CLUB OR ASSOCIATION (NON-PLCB LICENSED) — Any organization, not conducted for profit, which has a membership defined by its charter bylaws, and is not a licensee of the Pennsylvania Liquor Control Board. No alcoholic beverages are to be sold, stored or consumed on the premises, unless the requirements for a BYOB use are met. For any use that also meets the definition of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met.

SOLAR ENERGY SYSTEM — A system that converts solar energy into thermal or electrical energy, where the solar energy is collected through solar cells, film, modules and/or panels and then transferred to a battery or an inverter (DC to AC power), which can be utilized as an electrical source or transferred into the utility grid system. **[Added 10-26-2015 by Ord. No. 58-2015]**

SOLID WASTE — Any waste including, but not limited to, municipal, residual or hazardous waste, including solid liquid, semisolid or contained gaseous materials. The term "solid waste" does not include coal ash or drill cuttings.

SOLID WASTE DISPOSAL — The incineration, deposition, injection, dumping, spilling, leaking or placing of solid wastes into or on the land or water in a manner that the solid waste or

a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the municipality.

SOLID WASTE OR SANITARY LANDFILL — A tract, parcel or lot used for the disposal of garbage, refuse or ashes by depositing them in layers of controlled depth and width in trenches or depressions and covering each layer promptly on all sides with a compact layer of clean earth and other inorganic material of sufficient thickness to exclude rodents and to prevent the escape of odors or outbreak of fires.

SOLID WASTE STORAGE — The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. The containment of any waste in excess of one year constitutes disposal.

SOLID WASTE TREATMENT — Any method, technique or process, including neutralization, designed to change the physical, chemical, biological, character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, suitable for recovery, suitable for storage, or reduced in volume. The term "solid waste treatment" includes any activity or processing designed to change the physical form or chemical composition of waste so as to render it neutral or nonhazardous.

STATE — The government of the Commonwealth of Pennsylvania.

STORMWATER RUNOFF — Drainage runoff from the surface of the land resulting from precipitation or snow or ice melts.

STORY — That part of a building between the surface of any floor and the next floor above it, or in its absence, then the finished ceiling or roof above it. A split-level story shall be considered a second story if its floor level is six feet or more above the level of the line of the finished floor next below it, unless the next lower floor is a basement. Any floor under a sloping roof with a ridge pole extending more than seven feet in height above the floor shall also be considered as a story.

STREET — A thoroughfare primarily for vehicle traffic which has been or will be dedicated or deeded to the public for public uses and includes, but is not limited to, roads and highways as specified on the City's Official Street Mapping, or that has been approved by the City as a private street, but not including an alley.

STRUCTURE — Any man-made object, including a building, radio or television tower, fences, walls, carports, porches and decks, and permanent signs, constructed or erected on or in the ground or water or upon another structure or building and having an ascertainable stationary location. The term "structure" shall not include walks, sidewalks or driveways.

STUDENT — For the purposes of regulating a student home, this term shall mean an individual who is enrolled at a university, college or trade school and whose primary occupation is as a student or who is on a semester or summer break from studies at a college, university or trade school or any combination of such persons. The term "student" shall not apply to students who have completed a bachelor or equivalent degree or persons enrolled in a single course at a time. The residents of a student home may or may not live and cook as a single housekeeping unit.

STUDENT HOME — A living arrangement for at least two students, up to a maximum of three students (as defined in this chapter) and who are unrelated to each other by blood, marriage or legal adoption. The term "student home" shall not include dormitories owned or operated by an institution of higher education, fraternity house, or sorority house. The term "student home" shall be used interchangeably with the term "student housing." This term shall not include one or more students living in the same dwelling as their parent. This term shall not be used to regulate

residential uses owned or operated by a college or university within the Institutional Overlay Zone.

STUDENT HOUSING — Shall have the same meaning as a "student home."

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease transfer of ownership or building or lot development.

SUPERMARKET — A store occupying in excess of 12,500 square feet which sells fresh and prepackaged food, groceries, housewares and toiletries, but not clothing except as incidental items, and is designed to provide the full range of products customarily required to provide sustenance for a household.

SWIMMING POOL, ACCESSORY — An artificially constructed body of water and any lake or pond maintained for bathing by the residents of the property and their invited guests, located on a lot as an accessory use. A wading pool, with a depth of less than 24 inches shall not be regulated by this chapter as a swimming pool. A portable pool, located above ground level, with an area of less than 125 square feet and a water depth of less than two feet, temporary in character and constructed of a material other than concrete or masonry, capable of being moved from one place to another, shall not be regulated by this chapter as a swimming pool.

SWIMMING POOL AS A PRINCIPAL USE — An artificially constructed pool or any lake or pond maintained by a club or public agency for the use of club members and guests or the general public. A wading pool owned by a club or public agency, with a depth of less than 24 inches shall not be regulated by this chapter as a swimming pool. A portable pool owned by the association or public agency, located above ground level, with an area of less than 125 square feet and a water depth of less than three feet, temporary in character and constructed of a material other than concrete or masonry, capable of being moved from one place to another, shall not be regulated by this chapter as a swimming pool.

TATTOO PARLOR — A use that involves permanent marking of human skin with words or designs.

TAVERNS (INCLUDES BUT IS NOT LIMITED TO BARS AND PUBS) — Reputable, Pennsylvania Liquor Control Board licensed establishments primarily engaged in the retail sale and the on-site consumption of alcoholic beverages by consenting adults. This definition includes, but is not limited to, beer gardens, cocktail lounges, saloons and taprooms. Restaurants that serve alcoholic beverages but are primary engaged in the retail sale of prepared food are not included in this definition. See also "nightclub."

TEMPORARY SHELTER — A facility operated by a nonprofit agency providing temporary lodging, with or without meals, for persons of limited income with no ordinary or regular residence or to persons who need such shelter to avoid an abusive situation or because of a sudden event, such as fire, flood, domestic violence, condemnation, or court-ordered eviction.

THEATER — An enclosed building used for the presentation of live performances or motion pictures. Included in this definition are cinemas, other venues for the projection of film, dinner theaters, and theaters with stages for live theatrical, musical performances, as well as circuses and ceremonies, such as graduation and awards.

TOWNHOUSE — See "dwelling, one-family attached."

TRACT, TOTAL AREA OF THE — The total lot area of a single lot(s) in common ownership or common equitable ownership at the time of submittal for subdivision, land development or planned residential development approval. The total area of the tract shall not include areas within the existing rights-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space or recreation land.

TREATMENT CENTER —

A. A use involving any one or a combination of the following:

(1) A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:

(a) Criminal rehabilitation, such as a criminal halfway house.

(b) Current addiction to a controlled substance that was used in an illegal manner or alcohol.

(c) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

(2) A methadone treatment facility, which shall be defined as a facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

(3) A lot upon which resides two or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended, 42 Pa.C.S.A. § 9791 et seq.

B. See standards in § 600-1203. Also, a group home that exceeds the number of residents allowed by this chapter within a group home shall be regulated as a treatment center, unless approved otherwise under § 600-1201B.

USE — Includes the phrases "arranged," "designed" and "intended to be used" and shall mean a specific purpose for which land, buildings or structures are designed, arranged, intended, occupied or maintained, or any activity, occupation, business or operation which may be conducted at a given location.

UTILITY — Equipment or facilities for producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity or steam for the production of light, heat or power to or for the public for compensation; diverting, developing, pumping, pounding and distributing or furnishing water to or for the public for compensation; transporting passengers or property as a common carrier; equipment or facilities for use as a canal, turnpike, tunnel, bridge, wharf and the like for the public for compensation; transporting or conveying natural or artificial gas, crude oil, gasoline or petroleum products, materials for refrigeration or oxygen or nitrogen or other fluid substance by pipeline or conduit for the public for compensation; conveying or transmitting messages or communications by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation; and sewage collection treatment or disposal for the public for compensation. See also "essential services."

VARIANCE — A written authorization, from the Zoning Hearing Board for a particular property to depart from the literal requirements of one or more specific zoning regulations.

WALL — A structure which permanently or temporarily prohibits or inhibits travel between properties or portions of properties or between the street or public right-of-way and a property.

WASTEWATER TREATMENT OPERATIONS — Includes all infrastructure, equipment and activities related to the collection, conveyance, treatment, monitoring, sampling and discharge of wastewater, regardless of its source, including, but not necessarily limited to, the pipes, manholes, junction boxes, valves, pumps, grinders, grit chambers, screening facilities, presses, centrifuges, clarifiers, settling tanks, physical, biological and chemical treatments, laboratories, vehicular and administrative facilities necessary to consistently remediate wastewater according to current regulatory standards operated by the City's Department of Public Works.

WATERCOURSE — A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow, including, without limitation, streams and stream systems, brooks, ponds, waterways, creeks and any other such channel or collection point for flowing or standing water. **[Added 10-26-2015 by Ord. No. 57-2015]**

WATER POWER — The generation of electricity or mechanical energy by the use of water motion, which may include overshot or undershot waterwheels, turbines, and other devices, including all associated equipment/facilities. **[Added 10-26-2015 by Ord. No. 58-2015]**

WIND TURBINE — A wind energy conversion system that converts wind energy into electricity through the use of a generator, which may include a nacelle (shroud/cover), rotor, tower, transformer pad, blades, spirals, helixes and/or supporting energy apparatus. **[Added 10-26-2015 by Ord. No. 58-2015]**

YARD, FRONT — A space between the building restriction line, or front main wall of a building, and the closer of the front street right-of-way or lot boundary. The front yard of a property located at the corner of two intersecting streets shall be considered the area fronting both streets.

YARD, REAR — The space between the rear building restriction line and the closer of any street right-of-way or lot boundary. The rear yard of a property located at the corner of two intersecting streets shall be considered the area opposite the street containing the property address.

YARD, SIDE — The space between the side building restriction line and the closer of any street right-of-way or lot boundary.

ZONING ADMINISTRATOR and ZONING INSPECTOR — The person or persons who are charged by the City with enforcement of this chapter. The terms "Zoning Administrator" and "Zoning Inspector" shall have the same meaning as "Zoning Officer."

ZONING HEARING BOARD — The Reading Zoning Hearing Board, as established by Part 4 of this chapter.

§ 600-2203. Airport Zone definitions.

The following words and phrases shall be used to interpret Part 19 and Part 20 of this chapter, as it specifically applies to Airport and Heliport Zones; otherwise, the general definitions given in § 600-2202 shall apply:

APPROACH SURFACE — A surface longitudinally centered on the runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope as the perimeter of the approach surface shall coincide with the perimeter of the approach zone.

APPROACH ZONE — That area of land and air in and about approach surface.

CONICAL SURFACE — The surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

CONICAL ZONE — That area located at 150 feet above the airport elevation at the intersection with the horizontal zone and extending thereafter 20 feet horizontal for each. The conical zone extends outward from the periphery of the horizontal zone a horizontal distance of 4,000 feet.

HAZARD TO AIR NAVIGATION — A building, structure, part thereof or obstruction determined to have a substantial adverse effect on the safe and efficient use of the navigable airspace.

HORIZONTAL SURFACE — A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

HORIZONTAL ZONE — The area of 150 feet above the airport elevation established by swinging arcs of 5,000 feet radii for all runways designated utility or, visual and 10,000 feet radii for all other runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. This zone specifically does not include the approach and transitional zones.

LARGER THAN UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds gross weight and by jet-powered aircraft.

NON-PRECISION INSTRUMENT APPROACH — An approach and landing of an aircraft using air navigation facilities with only horizontal guidance or area type navigation equipment.

NON-PRECISION INSTRUMENT RUNWAY — A runway used by aircraft utilizing a non-precision instrument approach.

OBSTRUCTION — Any structure, growth or object, whether or not fixed to the ground, which exceeds the maximum height prescribed by the regulations of a particular zoning district.

PRECISION INSTRUMENT APPROACH — An approach and landing of an aircraft using an Instrument Landing System (ILS) or Precision Approach Radar (PAR).

PRECISION INSTRUMENT RUNWAY — Runway which requires or will require the use of an Instrument Landing System (ILS) or Precision Approach Radar (PAR).

PRIMARY SURFACE — Especially prepared hard surface longitudinally centered on a runway extending 200 feet beyond the end of the runway, having a width of and an elevation equal to the elevation of the runway center line.

RUNWAY — A defined area designed and used for the taking off and landing of aircraft.

TRANSITIONAL SURFACE — A surface extending outward at a ninety-degree angle to the runway center line with the runway center line extended at a slope of seven feet horizontal for each foot vertical from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. With respect to precision approach surfaces, transition surfaces project through (and beyond) the limits of the conical surface, extending a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

TRANSITIONAL ZONE — A zone consisting of the areas beneath the transitional surfaces. This zone begins at the sides of and at the same elevation as the primary surface and approach surface extending seven feet horizontal for each foot vertical and extending to a height of 100 feet above the airport elevation and extending to the intersection with the conical surface.

UTILITY RUNWAY — A runway designed and used by propeller-driven aircraft of 12,500 pounds gross weight or less.

VISUAL RUNWAY — A runway designed and used by aircraft using visual approach procedures.

§ 600-2204. (Reserved)[57]

§ 600-2205. Sign definitions.

The following words and phrases shall be used to interpret Part 17 of this chapter, as it specifically applies to signs; otherwise, the general definitions given in § 600-2202 shall apply:

BACK-TO-BACK SIGN — A sign with two parallel faces oriented in opposite directions and located not more than 10 feet apart. A back-to-back sign shall constitute one outdoor advertising sign.

BANNER SIGN — A sign made of fabric or any nonrigid material with no enclosing framework.

BILLBOARD — A nonidentity sign, exceeding 32 square feet in surface area, which advertises goods, products or services which are not sold, manufactured, offered or provided on or from the premises on which the sign is located.

BUILDING LINE — A line formed by the intersection of a vertical wall with the ground at average grade level. In case of a cantilevered building, the vertical plane will coincide with the most projected surface. A building line shall not be closer to the lot line the required yard requirements.

BUILDING OCCUPANCY — That portion of a building occupied by one specific tenant, measured by floors inhabited.

BUILDING PERIMETER — The horizontal linear measures, at grade, of all the walls of a building.

BUILDING WALL — The horizontal lineal measures at grade of a single building wall. When the permitted surface area of a sign is related to building frontage or building wall, only the wall which is parallel to the sign face shall be used in computing sign area. If the sign face is not parallel to a wall, the wall to which it is more nearly parallel shall be used in computing sign area.

CODE — The City of Reading Zoning Ordinance [this chapter] or any section thereof.

CURB or CURBLINE — The line in a public right-of-way, constructed or proposed, which separates the portion of the right-of-way dedicated to vehicular traffic from that dedicated to pedestrian traffic. The official City Map, on file in the Office of the Department of Public Works, shall be the final authority on the location of curblines, should a dispute arise.

DIRECTIONAL SIGN — An incidental sign designed to guide or direct pedestrian or vehicular traffic.

DOUBLE-FACED SIGN — A sign with two adjacent faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces. A double-faced sign may

57. Editor's Note: Former § 27-2204, Flood zone definitions, was repealed 6-11-2012 by Ord. No. 64-2012.

be referred to as a side-by-side or stacked sign. A double-faced sign shall constitute one outdoor advertising sign.

EAVELINE — See "roof line."

FREESTANDING SIGN — A permanent sign which is supported by one or more columns, uprights or braces in or upon the ground and not attached to any building, and that does not exceed a total of 20 feet in height above grade, unless a differing height is specified in this chapter.

FRONT PROPERTY LINE — See "street property line."

GRADE — The lowest point of elevation of the finished surface of the ground between a point directly below or at the sign location and any point five feet distant from the sign location, or, if the sign, or any projection thereof, is less than five feet distant from the property line, the lowest point of elevation of the finished surface of the ground between a point directly below or at the sign location and the property line. In case the sign or any projection thereof is within five feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

GRAPHIC ELEMENT — A word, an abbreviation, a symbol, a geometric shape, or a person's or firm's initials or logo containing up to seven letters. Punctuation marks are not counted in computing the number of graphic elements.

GROUND-MOUNTED SIGN — A type of freestanding sign which is anchored to the ground similar to a pylon, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top.

HEIGHT or HEIGHT OF SIGN — The vertical distance from the grade to the highest point of a sign or any vertical projection thereof.

IDENTITY OR IDENTIFICATION SIGN — A sign which carries only the firm name, major enterprise or principal product or service situated or furnished on the premises on which the sign is located.

ILLUMINATED SIGN — A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

IMPROVEMENT — Any of the following acts: to excavate for or store material, machinery or equipment on a lot in connection with the erection, construction, placement, reconstruction, alteration, repair, extension, replacement, restoration or conversion of any structure, building and/or sign, except if specifically excluded by this chapter; or to change the use, area of use, or percentage of use; or to extend or displace the use in part or in total of any structure, building, sign and/or land.

LOCATION or SIGN LOCATION — A lot, premises, building, wall or any place whatsoever upon which a sign is erected, constructed or maintained.

LOT OF RECORD — A parcel of land, the dimensions of which are shown on a recorded subdivision plan on file with the Recorder of Deeds of Berks County, Pennsylvania, and which actually exists as so shown; or, if no recorded subdivision exists, land which is described in a deed legally recorded with the Recorder of Deeds and which actually exists as so described.

MAINTAIN — To allow to exist or continue.

MAINTENANCE — The cleaning, painting, repair, or replacement of defective parts of a sign in a mariner that does not alter the basic display area, design or structure of the sign.

MARQUEE SIGN — Any flat wall identity sign painted on, attached to or constructed in a marquee, provided the sign shall be contained entirely within the limits of the marquee surface to which it is attached and provided further that the sign is in the same plane as such surface.

NAMEPLATE — A sign which contains only the name and occupation of the occupant of a building and does not exceed 1 1/2 square feet in size.

NONCONFORMING SIGN — A sign or sign display area that was erected legally but does not conform to the regulations of this chapter nor of the zone in which it is located.

OCCUPANCY AREA — The first floor occupancy area for a one-story building shall extend from the sidewalk or grade line to three feet above the roof line at the wall line or to the top of the parapet wall, whichever is higher. For buildings which are two or more floors in height, the first floor occupancy shall extend to three feet above the second floor line. The second and subsequent floor occupancies shall extend from three feet above the occupied story floor line to three feet above the floor line of the story above, or to three feet above the roof line at the wail line or to the top of the parapet wall, whichever is higher.

OFF-PREMISES SIGN — A sign which directs attention to a business, industry, profession, commodity, service or entertainment not sold or offered upon the premises where the sign is located.

OUTLET STORE — A retail store which sells merchandise directly from the manufacturer, often at reduced or discounted prices.

PERMIT or SIGN PERMIT — A certificate issued by the Zoning Administrator for the erection of replacement of any sign in the City except as otherwise specified in this chapter. Regulations governing sign permits, penalties, nonconformity, appeals and other administrative matters are found in this section and in other sections.

POLE SIGN — A sign shall have the same meaning as a "freestanding sign."

PORTABLE SIGN — Any sign that is not attached to a structure or structures, is intended, by design, use, or construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. This shall include signs mounted upon or designed to be mounted upon a trailer or a wheeled carrier as well as A-frame signs.

PROJECTING SIGN — A sign which uses as its main source of support a building wall or anything attached thereto and which, for signs located entirely more than eight feet six inches above the sidewalk or grade, projects more than 18 inches, or which, for signs located less than eight feet six inches above the sidewalk or grade, projects more than four inches. Such projection always shall be measured from the building wall itself.

PROJECTION — The maximum distance between any part of a sign and the wall to which it is attached.

PROPERTY — A lot.

PROPERTY LINE — The perimeter line of a lot.

PUBLIC PROMENADE — An outdoor open space devoted to public pedestrian traffic only. Such open space may contain open-air cafes, kiosks, bazaars, benches, statuary, fountains, telephone booths, and vendor or information structures not exceeding 200 square feet of ground coverage.

ROOF SIGN — A sign erected upon or above a roof or roofline of a building and which is wholly or partially supported by such building or roof. A sign attached to a parapet wall shall not

be considered a roof sign as long as no part of the sign projects above the top of the parapet wall. If a building contains several roofs at varying grades, the roof supported by the vertical surface upon which the sign is attached shall be used to determine whether or not such sign is a roof sign.

ROOFLINE — The lowest point of any part of a roof or the point on any vertical surface of a building which is closest to the lowest point of any part of a roof.

SIGN — Any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on or in a structure or other outdoor surface that shall display or include any letter, word, insignia or representation used as, or which is in the nature of, an advertisement, announcement, visual communication, direction, or is designed to bring the subject to the attention of the public. The term "sign" shall not include the flag of any public, semipublic, civic, charitable or religious group.

SIGN AREA or SIGN DISPLAY AREA —

A. "Sign area" shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.

B. The "sign area" shall not include any structural supports that do not include a message.

C. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.

D. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.

E. The two-dimensional area included on one side of a sign, which includes the frame or edge of the sign, if any. For measurement purposes, the sign display area shall be deemed the smallest two-dimensional square, rectangle, triangle, circle or combination thereof which will encompass the entire side of the sign.

F. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

SIGN STRUCTURE — Any structure which supports or is capable of supporting any sign, as defined in this Part. A sign structure may or may not be an integral part of the building.

STREET, ROADWAY or TRAVELED WAY — A public thoroughfare which has been or will be dedicated or deeded to the public for public uses. As used in this section, a street, roadway or traveled way is that portion of the right-of-way located between curblines. The topographic survey, located in the Department of Public Works office, shall be the final authority should the existence or location of any street be disputed.

STREET FRONTAGE — The linear measure of the street property line.

STREET PROPERTY LINE — That portion of a lot line that is coincident with the public right-of-way.

TRAFFIC ROUTES — The following streets shall be considered traffic routes only where they occur within the City of Reading as described below, and only where located in the C-H and H-M and MU Zones:

A. North Front Street (Business U.S. Route 222) north of Amity Street to the City boundary line.

B. Warren Street By-Pass (Route 12) north of Wayne Avenue.

C. Lancaster Avenue (Business U.S. Route 222) from Morgantown Road to Funston Avenue.

D. West Shore By-Pass (U.S. Route 422).

E. McKnight Street.

F. Meade Street.

G. Noble Street.

H. West Robeson Street.

I. Hancock Boulevard.

J. River Road.

K. Lincoln Street.

L. Car Tech Road.

M. Marion Street.

N. Weisser Street.

O. Gerry Street east of Hancock Boulevard.

P. Liggest Avenue east of Hancock Boulevard.

TRIM — The moldings, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.

UNDER-MARQUEE SIGN — An identification sign displayed below a marquee.

V-SHAPED SIGN — Any sign having two or three faces in the shape of the letter "V" or in the shape of a triangle when viewed from above, with the faces oriented in different directions and located not more than 10 feet apart at the closest points. A "V-type" sign shall constitute one outdoor advertising sign.

WALL SIGN or FLAT WALL SIGN — Any sign painted upon or attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of such wall and projecting not more than 12 inches, for signs located entirely more than eight feet six inches above the sidewalk or grade line, or not more than four inches for signs located less than eight feet six inches above the sidewalk or grade line. A sign on a window or porch awning shall be considered a flat wall sign.

§ 600-2206. Telecommunications definitions.

The following words and phrases shall be used to interpret Part 21 of this chapter, as it specifically applies to telecommunications towers; otherwise, the general definitions given in § 600-2202 shall apply:

ALTERNATIVE TOWER STRUCTURES — Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) — A national organization which formulates guidelines and standards. ANSI standards are recognized as authoritative by the FCC.

ANTENNA — Any exterior transmitting and/or receiving device, including wire rods, discs, or similar devices, that transmits or receives electromagnetic waves, digital and/or analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communications signals, mounted on a tower, building or structure.

ANTENNA STRUCTURE — Includes, but not limited to, towers, poles, brackets and similar devices used to hold and support antenna(s) and/or dish(es).

ANTENNA, VERTICAL — A vertical type of antenna with no horizontal components other than a small radial component at its base.

ATTACHED COMMERCIAL TELECOMMUNICATION FACILITY — A commercial telecommunications antenna which is affixed, fastened, or joined to a residence, business, or similar structure other than another telecommunication facility, and which does not include a tower.

CELLULAR TELEPHONE — A system providing portable telephone service to specific subscribers. The system works on a line of sight principle. Each company must set up a grid system of antennas on hilltops to provide complete coverage.

CHANNEL — A segment of a frequency band assigned to a specific use.

CO-LOCATED TELECOMMUNICATIONS FACILITY — A telecommunications facility which is comprised of a single tower containing a combination of antenna owned or operated by more than one public or private entity.

COMMERCIAL COMMUNICATIONS TOWER — A structure, partially or wholly exterior to a building, used for mounting antennas that transmit or retransmit radio signals.

COMMERCIAL MOBILE SERVICES — Defined in § 332 of the Communications Act and the FCC's rules, and include cellular telephone services regulated under Part 22 of the FCC's rules, SMR services regulated under Part 90 of the FCC's rules, and PCS regulated under Part 24 of the FCC's rules.

COMMUNICATIONS EQUIPMENT CABINET/BUILDING — Any unmanned, accessory building or structure, on the same lot as a tower or antenna structure, housing equipment to allow the facility to perform its intended function.

CONSTRUCTION PERMIT — A document issued by the FCC to a broadcast applicant giving permission to construct a radio or TV broadcast station. It is not the same as a station license.

ELECTROMAGNETIC RADIATION (EMR) — A technical term for the nature of energy emitted by a transmitting antenna.

FAA — Federal Aviation Administration.

FCC — Federal Communications Commission.

FM/TELEVISION BROADCASTING — Transmission of radio and/or television programs intended for reception by the general public. An FM/television broadcasting tower shall mean a tower maintaining the primary or main transmitter of an FCC-licensed broadcast station.

HEIGHT — When referring to a tower or other structure, means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna(s).

HEIGHT ABOVE AVERAGE TERRAIN (HART) — A technical term used by the FCC to determine the effective height of an antenna by considering the effects of terrain variations in the coverage area provided by the antenna.

INTERMODULATION — A technical term referring to the possible mixing of two transmitted signals which creates unwanted, and potentially interfering, signals.

LAND-MOBILE SYSTEMS — Radio communication service for mobile or stationary units in which each user is assigned a particular frequency. It includes conventional two-way radio, special mobile radio service and one-way paging.

LEASE TOWER — A tower whose owner's principal business is the leasing of tower space to other users.

MULTIPLE-USER TELECOMMUNICATIONS FACILITY — A telecommunication facility which is comprised of multiple towers containing a combination of antennas owned and operated by more than one public or private entity.

NONCOMMERCIAL TELECOMMUNICATIONS FACILITY — A telecommunication facility which is operated solely for personal use and not for commercial purposes.

PERSONAL WIRELESS COMMUNICATIONS — Digital or analog telecommunications for individual and/or personal use.

PERSONAL WIRELESS SERVICES — Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

POINT-TO-POINT MICROWAVE — Communication between specific points using frequencies above 900 MHz; normally transmitted between two towers optimally located for line of sight transmission. Uses low power levels.

RF (RADIO FREQUENCY) INTERFERENCE — Disturbances in reception caused by intruding signals or electrical current.

ROOF — The exterior surface on the top of a building or structure.

SILHOUETTE — Calculation of the exposed surface area of the towers and antennas associated with a telecommunications facility, as seen from an elevation perspective.

STRUCTURAL CAPACITY — A term describing the physical ability of a tower and associated antennas to withstand design loading without collapsing.

STRUCTURE RIDGE LINE — The long narrow crest at the top of a juncture of two or more surfaces making up the roof of a building or structure.

TELECOMMUNICATIONS — The science and technology of communication by electronic transmission of impulses, as by telegraphy, cable, telephony, radio or television.

TELECOMMUNICATIONS FACILITY — A facility that transmits and/or retransmits electronic signals such as television and radio broadcasts, cellular telephone and wireless data, and which includes, but is not limited to, antennas and towers to support transmitting and/or

receiving devices along with accessory and/or utility buildings and structures, and the land on which they are all situated.

TOWER/TELECOMMUNICATIONS TOWER — The support structure, including guyed, monopole and lattice types, upon which antennas are located as part of a telecommunications facility. "Tower" does not include mounting brackets or similar devices utilized to attach an antenna directly onto the roof or side of a building.

UNLICENSED WIRELESS SERVICES — The offering of telecommunications services using duly authorized devices which do not require individual licenses; direct-to-home satellite services are excluded from this definition.

WIRELESS COMMUNICATIONS DEVICES — Devices used for telecommunication without the need for wires or cables. Also see "antenna."

600 Attachment 1

City of Reading

R-1A Residential District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
Allowed use, unless otherwise stated	20,000	15%	25%	38	65	25	30	10
Other allowed use, unless otherwise stated	6,600	30%	40%	35	60	25	30	7

R-2 Residential District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
Place of worship, cemetery or public or private school	25,000	50%	70%	50	125	15	40	15
One-family detached dwelling	3,000	40%	50%	35	30	15	25	4
One-family semidetached dwelling (per dwelling unit)	2,500	35%	55%	35	25	15	25	4
One-family attached dwelling (townhouse) per dwelling unit)	1,800	60%	75%	35	18	15	20	4
College or university nonresidential uses	5,500	40%[1]	70%[1]	35	40	15	25	15
College or university residential uses[2]	50,000	40%[1]	70%[1]	35	80	15	25[3]	15[4]
Other allowed use, unless otherwise stated	5,500	40%	50%	35	60	15	25	8

NOTES:

[1] For abutting lots in common ownership, the maximum building and impervious coverage may apply to all such lots combined.

[2] Not including preexisting dwelling units which are owned by a college or university and which are regulated as individual dwelling units and meet the definition of occupancy by one family or which meet the requirements for a student home.

[3] For a new or expanded building housing students, a forty-foot minimum building setback shall apply from the lot line of every dwelling that is not owned by the college or university.

[4] A side yard setback is not required where a new building is replacing a building that was previously attached to another building along that lot line. New dwelling units that are allowed to be attached to each other do not need a side yard setback between the new dwellings.

R-3 Residential District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
Place of worship, cemeteries and private or public schools	20,000	50%	75%	60	125	5	30	10
One-family detached dwelling	2,000	60%	75%	35	20	5	20	3[2]
One-family semidetached dwelling (per dwelling unit)	1,800	60%	75%	35	18	5	20	3[2]
One-family attached dwelling (per dwelling unit)	1,800	60%	75%	35	18	5	20	3[2]
Two-family detached dwelling (per building)	3,000	60%	75%	35	30	5	20	5[2]
Low-rise apartments	3,000	60%	75%	35	30	5	20	5
College or university nonresidential uses	5,500	40%[3]	70%[3]	35	40	15	25	15
College or university residential uses[4]	50,000	40%[5]	70%[5]	35	80	15	25	15[6]
Mid-rise apartments	7,200	30%	55%	60	60	10	30	30
Other allowed use, unless otherwise stated	5,500	60%	80%	35	30	5	20	6

NOTES:

[1] See § 600-909, which may require a certain front yard setback.

[2] A side yard setback is not required along a lot line where: (a) principal buildings were previously attached; or (b) as part of dwellings built as part of the same subdivision or land development, provided the requirements of Chapter 180, Construction Codes, are met for separation from an existing window or door. See applicable fire ratings. A side yard setback is also not required for new dwelling units that are allowed to be attached to other new dwelling units.

[3] For abutting lots in common ownership, the maximum building and impervious coverage may apply to all such lots combined.

[4] Not including preexisting dwelling units which are owned by a college or university and which are regulated as individual dwelling units and meet the definition of occupancy by one family or which meet the requirements for a student home.

[5] For abutting lots in common ownership, the maximum building and impervious coverage may apply to all such lots combined.

[6] For a new or expanded building housing students, a forty-foot minimum building setback shall apply from the lot line of every dwelling that is not owned by the college or university.

R-PO Residential/Professional Office Zone

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
Allowed residential uses	Shall meet regulations of the R-2 District							
Place of worship	20,000	50%	75%	35	60	25	30	7
Other allowed use, unless otherwise stated	5,500	40%	70%	35	50	20	30	7

C-C Commercial Core District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
Apartments of six or more stories	25,000	70%	90%	100[2]	72	0	25	15
Apartments of six or more stories	25,000	70%	90%	100[2]	72	0	25	15
Other uses, unless otherwise stated	2,500	80%	95%	100[2]	20	0	0	0

NOTES:

[1] See § 600-909, which may require a certain front yard setback.

[2] See additional height requirement in § 600-807C.

C-R Commercial Residential District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback[1]	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
Allowed residential uses	Allowed under the provisions of the R-3 District regulations							
High-rise apartments	25,000	70%	80%	100	72	10	25	15
Life-care retirement facility, personal care home, or nursing home	2,500	75%	85%	40	40	10	20	8
All other allowed uses	2,500	75%	90%	50	25	0	10[2]	0*

NOTES:

[1] See § 600-909, which may require a certain front yard setback.

[2] Except twenty-foot rear setback and five-foot side yard setback shall apply for any use adjacent to an existing principally residential use, unless: (a) a new building is replacing a building that was previously attached along that lot line; or (b) unless the buildings are built as part of the same subdivision or land development. See requirements of Chapter 180, Construction Codes, including separation from windows and doors. New dwelling units that are allowed to be attached to each other do not need a side yard setback between the new dwellings.

C-N Commercial Neighborhood District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback[1]	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
Allowed residential uses	Shall meet the provisions of the R-3 District							
All other allowed uses	1,800	70%	90%	60	20[2]	0	10[3]	0[3]

NOTES:

[1] See § 600-909, which may require a certain front yard setback.

[2] An existing principally residential building shall not be converted to a principal commercial use unless this lot width requirement is met, unless the building is not adjacent to any existing dwellings.

[3] Except twenty-foot rear setback and six-foot side setback shall apply adjacent to an existing principally residential use.

C-H Commercial Highway District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
Manufactured/mobile home	20,000	40%	80%	35	100	30	30	30
Parks, with a maximum average density of five dwelling units per acre and a 25-foot separation between dwellings (other than unenclosed attached structures)								
Allowed residential uses	Shall meet the regulations of the R-3 District							
All other allowed uses	7,500	50%	90	50	50	10	10[1]	5[1]

NOTES:

[1] Except twenty-foot rear setback and a ten-foot side setback shall apply adjacent to an existing principally residential use.

M-C Manufacturing Commercial District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
All uses, unless otherwise noted	20,000	50%	90%	60	80	15[1]	20[2]	10[2]

NOTES:

[1] Required front yard may be reduced to 10 feet where a landscaped buffer strip is provided in accordance with § 600-1401 of this chapter.

[2] Except thirty-foot rear and twenty-foot side setback shall apply for an industrial use or tractor-trailer loading dock adjacent to a lot of a principally residential use.

H-M Heavy Manufacturing District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
All uses allowed, unless otherwise noted	40,000	50%	80%	70	100	20[1]	20[2]	20[2]

NOTES:

[1] Required front yard may be reduced to 10 feet where a landscaped buffer strip is provided in accordance with § 600-1401 of this chapter. See § 600-1107 regarding additional requirements and performance standards.

[2] Except thirty-foot rear and twenty-foot side setback shall apply for an industrial use or tractor-trailer loading dock adjacent to a lot of a principally residential use.

P Preservation District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
Allowed uses unless stated otherwise	30,000	10%	20%	35	50	10	20	10

MU Municipal District

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
Allowed uses, unless stated otherwise	43,560	40%	80%	80 feet		40 feet	40 feet	40 feet

INS Institutional Overlay Zone

Uses	Minimum Lot Size (square feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Height	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback (each)
College or university or hospital nonresidential uses	3,000	40%[1]	70%[1]	40[2]	30	15[3]	25[3]	15[4]
College, university or hospital residential uses[5]	3,000	40%[1]	70%[1]	40[2]	30	15[3]	25[3]	15[4]
Other allowed use, unless otherwise stated	10,000	40%	50%	40	50	15	25	15

NOTES:

[1] For abutting lots in common ownership, the maximum building and impervious coverage may apply to all such lots combined.

[2] Except a maximum height of 60 feet shall be allowed for portions of a building that are a minimum of 100 feet from the lot line of every dwelling that is not owned by the college or university.

[3] Where a college or university building would be across a street or an alley or directly abutting an existing principal dwelling that is not owned by the college or university, a minimum forty-foot wide yard shall be required. Where such situation exists along a street or alley, the forty-foot yard shall be measured from the right-of-way.

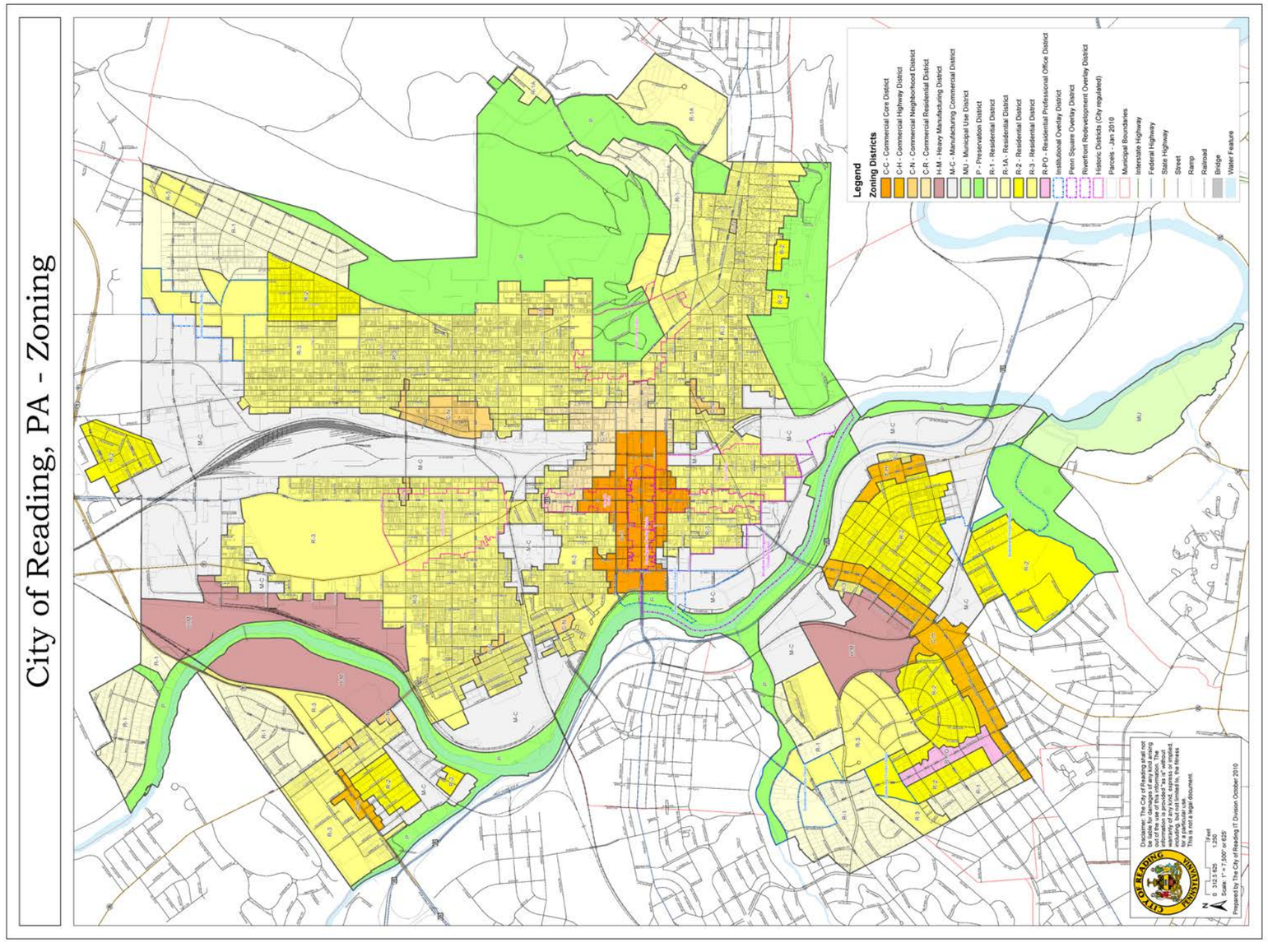
[4] A side yard setback is not required where a new building is replacing a building that was previously attached to another building along that lot line. New dwelling units that are allowed to be attached to each other do not need a side yard setback between the new dwellings.

[5] Not including preexisting dwelling units which are owned by a college or university and which are regulated as individual dwelling units under the regulations of the underlying district and which shall meet the definition of occupancy by one family.

Note: The term “college or university” shall be interpreted to include similar accredited institutions of higher education, such as nursing schools, and other professional health-care educational facilities.

600 Attachment 2

City of Reading



Chapter A610

ANNEXATION OF TERRITORY

§ A610-101. Annexation of territory.

[Below is a listing of ordinances adopted by the City of Reading regarding the annexation of territory. Full copies of said ordinances can be found in the City Clerk's Office.]
§ A610-101. Annexation of territory.

Ord. No.	Date	Subject
45-1914	9-16-1914	Annexing a portion of Cumru Township adjoining the City on the south and southwest, beginning at a point on the west side of the Schuylkill River, containing 1,114.5 acres, more or less.
31-1915	12-24-1915	Annexing a portion of the Township of Bern.
50-1917	9-12-1917	Annexing a portion of Lower Alsace Township adjoining the City on the east beginning at a point, a marble stone, in the southern building line of Oley Street and the present City line.
83-1934	11-24-1934	Annexing a portion of Cumru Township.
74-1935	12-31-1935	Annexing a portion of Cumru Township.
18-1962	9-3-1962	Annexing portions of Alsace Township, Lower Alsace and Muhlenburg Township.
47-1966	9-21-1966	Annexing a portion of Cumru Township.
30-1967	10-18-1967	Annexing portions of Cumru Township, Muhlenburg Township and Lower Alsace Townships.

Chapter A611

BOND ISSUES AND LOANS

§ A611-101. Bond issues and loans.

[Below is a listing of ordinances adopted by the City of Reading regarding the issuance of bonds and loans. Full copies of said ordinances can be found in the City Clerk's Office.]
§ A611-101. Bond issues and loans.

Ord. No.	Date	Description
10-1914	5-20-1914	Increasing the indebtedness in the amount of $175,000 for the purpose of paving the streets.
55-1914	9-9-1914	Increasing the indebtedness in the amount of $50,000 for the purpose of constructing a house sewage filtration bed and appurtenances on Fritz's Island.
73-1914	9-23-1914	Increasing the indebtedness in the amount of $1,300,000 for a new City hall and site, for the construction of a storage reservoir and for laying of water lines and other acquisitions.
13-1915	3-10-1915	Increasing the indebtedness in the amount of $77,000 for capital improvements.
20-1916	4-5-1916	Increasing the indebtedness in the amount of $150,000 for paving of streets, establishing a municipal hospital and motorizing fire apparatus.
47-1916	6-7-1916	Amending Ord. No. 20-1916.
20-1917	5-23-1917	Increasing the indebtedness in the amount of $200,000 for the purpose of purchasing Nicols Street properties in settlement of and elimination of flood damage claims, widening railroad tracks, and capital improvements.
10-1919	4-2-1919	Increasing the indebtedness in the amount of $100,000 for the purpose of repairing, paving and improving streets.
23-1919	6-25-1919	Increasing the indebtedness in the amount of $210,000 for capital improvements.
30-1919	6-30-1919	Amending Ord. No. 10-1919.
56-1919	12-31-1919	Increasing the indebtedness in the amount of $1,000,000 for the purpose of capital improvements.
23-1920	6-2-1920	Increasing the indebtedness in the amount of $1,000,000 for capital improvements.
1-1921	1-5-1921	Increasing the indebtedness in the amount of $740,000 for the purpose of constructing and equipping public comfort station, for constructing house sewer trunk lines and improved street paving.

Ord. No.	Date	Description
6-1921	2-23-1921	Increasing the indebtedness in the amount of $175,000 for purchasing various pieces of real estate.
30-1924	5-7-1924	Increasing the indebtedness in the amount of $400,000 for improved street paving.
47-1925	9-30-1925	Increasing the indebtedness in the amount of $110,000 for the real estate and equipment required to construct an asphalt plant, for the purpose of paying the damages and obligations of the City for land condemned for public park purposes.
103-1926	8-25-1926	Increasing the indebtedness in the amount of $850,000 for street and sewer improvements.
109-1927	9-21-1927	Increasing the indebtedness in the amount of $222,000 for the purchase of part of the plant and water supply system of Angelica Water and Ice Company.
41-1928	5-29-1928	Increasing the indebtedness in the amount of $750,000 for the purpose of purchasing and acquiring land and the erecting of a municipal building.
95-1928	8-22-1928	Issuing bonds to increase the indebtedness in the amount of $100,000 for park and playground purposes.
115-1928	10-31-1928	Issuing bonds to increase the indebtedness in the amount of $1,050,000 for the purpose of providing funds for various capital improvements.
6-1930	2-19-1930	Increasing the bonded indebtedness in the amount of $600,000 for the purpose of providing funds for various capital improvements.
9-1931	3-4-1931	Increasing the bonded indebtedness in the amount of $200,000 for providing funds for various capital projects.
24-1931	3-25-1931	Amending Ord. No. 9-1931.
110-1931	1-20-1931	Increasing the bonded indebtedness in the amount of $100,000 for the purpose of administrative charity and for support of the poor.
40-1932	5-25-1932	Increasing the bonded indebtedness in the amount of $500 for sewer construction on certain streets.
1-1933	2-8-1933	Increasing the bonded indebtedness in the amount of $300,000 for the purpose of providing funds to fund outstanding floating indebtedness.
50-1933	12-27-1933	Increasing the bonded indebtedness in the amount of $1,850,000 for the purpose of providing funds with which to improve, enlarge and construct a water supply system for the City.
19-1934	4-18-1934	Increasing the bonded indebtedness in the amount of $300,000 for the purpose of providing funds for the payment of operating expenses of the City.

Ord. No.	Date	Description
37-1936	9-9-1936	Issuing bonds in the amount of $500,000 for the purpose of providing funds for various capital improvements.
36-1938	9-21-1938	Issuing bonds in the amount of $500,000 for the purpose of providing funds for various capital improvements.
1-1947	1-15-1947	Issuing bonds to increase the indebtedness in the amount of $1,500,000 for providing funds for various capital projects.
21-1949	6-8-1949	Issuing bonds to increase the indebtedness in the amount of $155,000 for the purposes of providing funds to fund certain judgments outstanding against the City and to fund certain floating debt upon which the City has become liable.
40-1949	10-11-1949	Declaring that the purpose for which a portion of funds of the loan of $1,500,000 as authorized by Ord. No. 1-1947 has proved to be inadvisable, and changing said purpose to provide additional funds in the amount of $20,000 for purposes of constructing, equipping and furnishing a fire house.
49-1949	10-11-1949	Declaring that the purpose for which a portion of the loan of $1,500,000 authorized by ordinance of City Council has proved to be inadvisable and changing said purpose so as to provide additional funds in the amount of $20,000 for the purpose of construction, equipping and furnishing a fire house.
15-1951	3-28-1951	Issuing bonds to increase the indebtedness in the amount of $500,000 for the purpose of providing funds for the modernization, repair and improvement of the sewage system.
37-1952	1-2-1952	Issuing bonds to increase the indebtedness in the amount of $84,000 for the purpose of providing funds to fund certain judgments outstanding against the City; and to fund certain floating debt upon which the City has become liable.
53-1952	12-3-1952	Issuing bonds to increase the indebtedness in the amount of $3,000,000 for the purpose of providing funds for various capital projects.
17-1953	7-8-1953	Issuing bonds to increase the indebtedness in the amount of $750,000 for the purpose of providing funds for various capital projects.
46-1955	10-13-1955	Issuing bonds to increase the indebtedness in the amount of $500,000 for the purpose of providing funds for various capital projects.
45-1956	9-19-1956	Issuing bonds to increase the indebtedness in the amount of $4,500,000 for the purpose of providing funds for various capital projects.

Ord. No.	Date	Description
22-1957	5-22-1957	Issuing bonds to increase the indebtedness in the amount of $350,000 for the purpose of providing funds for various capital projects.
29-1958	10-1-1958	Issuing bonds to increase the indebtedness in the amount of $300,000 for the purpose of providing funds for various capital projects.
33-1960	11-16-1960	Issuing a note in the principal amount of $200,000 for the purpose of providing funds for various capital projects.
1-1961	1-18-1961	Issuing bonds to increase the indebtedness in the amount of $1,830,000 for the purpose of providing funds for various capital projects.
23-1961	9-6-1961	Issuing bonds to increase the indebtedness in the amount of $400,000 for various capital projects.
19-1962	7-18-1962	Issuing bonds to increase the indebtedness in the amount of $750,000 for the purpose of providing funds for various capital projects.
33-1963	12-18-1963	Issuing a note in the principal amount of $150,000 for the purpose of providing funds for various capital projects.
11-1965	3-3-1965	Issuing bonds to increase the indebtedness in the amount of $1,100,000 for the purpose of providing funds for various capital projects.
16-1967	5-31-1967	Issuing a note in the principal amount of $850,000 for the purposes of providing funds for various capital projects.
25-1968	6-12-1968	Issuing bonds to increase the indebtedness in the amount of $4,700,000 for the purpose of providing funds for various capital projects.
30-1971	9-22-1971	Signifying a desire to issue bonds to increase the indebtedness in the amount of $580,000 for the purpose of providing funds for the construction of branch libraries for the Reading Public Library and the calling of a public election for the purpose of obtaining assent of the electors to such increase of debt.
46-1972	11-8-1972	Issuing bonds to increase the indebtedness in the amount of $580,000 for the purpose of providing funds for various capital projects.
35-1973	7-25-1973	Issuing bonds to increase the indebtedness in the amount of $8,000,000 for the purpose of providing funds for various capital projects.
30-1977	8-10-1977	Issuing bonds to increase the indebtedness in the amount of $8,000,000 for the purpose of refunding lease rental debt by the Reading Parking Authority.
21-1980	4-23-1980	Issuing a note in the principal amount of $425,000 with proceeds thereof to be used for sundry purposes.

Ord. No.	Date	Description
57-1980	12-17-1980	Issuing a note in the principal amount of $750,000 with proceeds thereof to be used for sundry purposes.
66-1981	12-30-1981	Issuing bonds to increase the indebtedness in the amount of $765,000 for the purpose of providing funds for various capital projects.
25-1982	6-9-1982	Issuing bonds to increase the indebtedness in the amount of $5,400,000 for the purpose of financing various capital projects.
2-1983	1-19-1983	Issuing bonds to increase the indebtedness in the amount of $5,945,000.
13-1984	2-17-1984	Incurring lease rental debt in the amount of $8,530,000.
32-1984	3-28-1984	Issuing bonds to increase the indebtedness in the amount of $1,250,000 for the purpose of financing various capital projects.
10-1985	2-6-1985	Issuing bonds to increase the indebtedness in the amount of $3,230,000 for the purpose of financing various capital projects.
93-1985	12-7-1985	Issuing bonds to increase the indebtedness in the amount of $10,620,000 for the purpose of financing various capital projects.
86-1986	11-1-1986	Issuing bonds to increase the indebtedness in the amount of $14,145,000 for the purpose of financing various capital projects.
93-1986	12-3-1986	Issuing bonds to increase the indebtedness in the amount of $20,715,000 for the purpose of financing various capital projects.
103-1986	12-29-1986	Amending §§ 5, 7 and 19 of Ord. No. 93-1986.
40-1988	4-27-1988	Incurring lease rental debt in the amount of $6,892,478.10.
91-1988	7-13-1988	Incurring lease rental debt in the amount of $14,850,000.
30-1989	5-22-1989	Issuing bonds to increase the indebtedness in the amount of $5,000,000 for the purpose of financing various capital projects.
80-1989	7-12-1989	Incurring lease rental debt in the amount of $9,000,000.
81-1989	7-20-1989	Incurring lease rental debt in the amount of $14,850,000.
112-1989	11-22-1989	Issuing bonds to increase the indebtedness in the amount of $10,000,000 for the purpose of financing various capital projects.
24-1990	3-7-1990	Issuing a note (Series A of 1990) in the principal amount of $20,000,000 for the purpose of providing funds for various capital projects; and issuing a note (Series B of 1990) in the principal amount of $20,740,000 for the purpose of providing funds for various capital projects.

Ord. No.	Date	Description
105-1990	8-8-1990	Incurring lease rental debt in the amount of $18,940,000.
127-1991	12-6-1991	Issuing a revenue note in the principal amount of $19,290,000 for the purpose of providing funds for various capital projects.
35-1992	4-15-1992	Issuing bonds to increase the indebtedness in the amount of $30,330,000 for the purpose of financing various capital projects.
83-1992	7-22-1992	Amending Ord. No. 35-1992 of April 15, 1992.
88-1992	8-5-1992	Issuing bonds to increase the indebtedness in the amount of $66,150,000 for the purpose of financing various capital projects.
98-1992	9-11-1992	Issuing a revenue note in the principal amount of $580,000 for the purposes of providing funds for various capital projects.
3-1993	1-20-1993	Amending Ord. No. 88-1992.
46-1993	4-21-1993	Incurring lease rental debt in the amount of $30,303,026.35.
128-1995	12-6-1995	Issuing bonds to increase the indebtedness in the amount of $10,975,000 for the purpose of financing various capital projects.
30-1997	11-10-1997	Incurring lease rental debt in the amount of $6,469,500.
6-1998	3-9-1998	Issuing bonds to increase the indebtedness in the amount of $30,100,000 for the purpose of financing various capital projects.
19-1998	5-26-1998	Issuing bonds to increase the indebtedness in the amount of $21,975,000 for the purpose of financing various capital projects.
35-1998	11-9-1998	Issuing bonds to increase the indebtedness in the amount of $66,150,000 to provide funds to finance a certain refunding project.
33-2002	7-22-2002	Authorizing and directing the incurrence of lease rental debt, in an aggregate principal amount of $3,300,000.
36-2002	8-5-2002	Authorizing and directing the incurrence of lease rental debt, in the maximum principal amount of $13,758,390.
15-2003	2003	Bond ordinance for the Parking Authority.
22-2003	6-16-2003	Authorizing and directing the incurrence of lease rental debt, in the maximum principal amount of $4,160,000.
47-2004	11-29-2004	Authorizing and directing the incurrence of lease rental debt, in the maximum aggregate principal amount of $10,000,000 to finance certain capital projects.

Ord. No.	Date	Description
54A-2005	9-12-2005	Issuing a series of general obligation notes, series of 2005 of the City, in the aggregate principal amount of $15,8000,000 to refund certain prior debt.
94-2005	12-12-2005	Issuing a general obligation note, series of 2006 of the City, in the aggregate principal amount of $8,000,000 to fund certain capital improvements.
96A-2005	12-12-2005	Authorizing and directing incurring of nonelectoral debt through the issuance of general obligation bonds of the City of Reading in the aggregate principal amount of not to exceed $25,000,000 to fund certain capital improvements.
49-2006	6-26-2006	Authorizing and directing the incurrence of lease rental debt in the maximum principal amount of $1,570,000 to fund certain capital projects.
82-2006	11-30-2006	Issuing general obligations bonds, series of 2008, of $50,000,000 to fund certain projects.
83-2006	11-27-2006	Authorizing the lease of certain real property to the Redevelopment Authority of the City of Reading pursuant to a lease agreement; declaring the guaranty of said Authority's federally taxable guaranteed lease revenue note for the benefit of the City of Reading to be a project of the City for which lease rental debt is to be incurred; stating the realistic estimated useful life of the facility relating to the note; determining to incur lease rental debt in an aggregate principal amount not to exceed $7,000,000 in respect of said project.
84-2006	11-30-2006	Issuing line of credit general obligations note, series of 2006, in the aggregate principal amount of $25,000,000 to fund certain capital projects of the City.
88-2006	11-27-2006	Authorizing issuing a series of federally taxable general obligation bonds, series of 2006, of the City in an aggregate principal amount of not to exceed $55,000,000.
10A-2008	1-28-2008	Setting forth intent to issue a series of general obligation bonds of the City in the aggregate principal amount not to exceed $5,900,000.
38-2008	5-27-2008	Setting forth intent to issue a general obligation note, Series B of 2008, of the City in the aggregate principal amount not to exceed $6,750,000.
52-2008	8-11-2008	Setting forth intent to issue a series of general obligation bonds, Series E of 2008, of the City in the aggregate principal amount of not to exceed $14,000,000.
53-2008	8-11-2008	Setting forth intent to issue two series of general obligation notes, designated as Series C of 2008 and Series D of 2008, of the City in the aggregate principal amount of not to exceed $40,000,000.

Ord. No.	Date	Description
68-2008	10-27-2008	Amending an ordinance of the City previously enacted on November 30, 2006, that authorized the incurrence of nonelectoral debt through the issuance of a series of general obligation bonds of the City in the aggregate principal amount of $50,000,000.
73-2008	11-24-2008	Authorizing and approving a project of the authority; authorizing and directing the incurrence of lease rental debt, in the aggregate principal amount of $8,635,000.
49-2009	8-24-2009	Authorizing and directing the incurrence of lease rental debt, in an aggregate principal amount of $6,550,000.
50-2009	8-24-2009	Amending an ordinance of the City previously enacted on December 12, 2005, that authorized the incurrence of nonelectoral debt through the issuance of a series of general obligation bonds of the City in the aggregate principal amount of $25,000,000.
72-2009	12-28-2009	Setting forth intent to issue a federally taxable general obligation note, series of 2010, of the City in the aggregate principal amount of $3,250,000.
15-2010	4-26-2010	Setting forth its intent to issue two series of general obligation notes of the City in the aggregate principal amount not to exceed $24,400,000.
93-2010	11-8-2010	Setting forth its intent to issue a series of general obligation bonds of the City in the aggregate principal amount not to exceed $20,000,000.
7-2011	2-14-2011	Setting forth its intent to issue a series of general obligation notes of the City in the aggregate principal amount not to exceed $16,000,000.
17-2012	2-27-2012	Setting forth its intent to issue a series of general obligation bonds of the City in the aggregate principal amount not to exceed $5,000,000.
28-2012	3-12-2012	Setting forth its intent to issue a series of general obligation notes in the aggregate principal amount not to exceed $2,647,000.
66-2012	6-25-2012	Setting forth its intent to issue a federally taxable general obligation note in the aggregate principal amount of $3,111,000.
75-2012	7-9-2012	Setting forth its intent to issue a federally taxable general obligation note in the aggregate principal amount not to exceed $15,000,000.
80-2012	8-13-2012	Setting forth its intent to issue a guaranteed sewer revenue note in the aggregate principal amount of $10,013,950.
13-2013	3-11-2013	Setting forth its intent to issue promissory notes in the aggregate principal amount of $1,380,013.91.

Ord. No.	Date	Description
20-2013	3-25-2013	Authorizing the Mayor to execute any and all documents to effectuate the consent to the transfer of certain real estate and the related assumption of the associated loan obligation between Goggle Works Ventures, L.P., and Goggle Works, LLC.
75-2014	10-13-2014	Setting forth its intent to issue a series of federally taxable general obligation bonds in the aggregate principal amount not to exceed $41,530,000.
12-2015	3-9-2015	Setting forth its intent to issue two series of general obligation bonds in the aggregate principal amount not to exceed $64,710,000.
62-2015	10-26-2015	Increasing the indebtedness of the City of Reading by the issue of two guaranteed revenue notes in the aggregate maximum principal amount of $121,800,519.

Chapter A612

FRANCHISE AND SERVICES

§ A612-101. Franchises and services.

[Below is a listing of ordinances adopted by the City of Reading regarding franchises and services. Full copies of said ordinances can be found in the City Clerk's Office.]
§ A612-101. Franchises and services.

Ord. No.	Date	Description
48-1914	7-29-1914	Executing an agreement between the City and the Reading Transit and Light Company relative to paving Franklin Street
59-1914	9-2-1914	Granting Reading Steam Heat and Power Company the right to lay mains and lines of pipe on various streets
23-1915	5-5-1915	Granting G.H. Delp and Company the right to construct a single-track railroad siding
34-1915	6-9-1915	Granting to the City of Reading Passenger Railway Company the privilege of constructing a curve to connect other tracts of said Company
13-1917	4-11-1917	Granting the Reading Transit and Light Company the privilege of extending its line and laying tracks
18-1917	5-2-1917	Granting the Reading City Passenger Railway Company the privilege of constructing a curve to connect tracks
25-1917	7-3-1917	Granting the Philadelphia and Reading Railway Company, lessee of the Schuylkill and Lehigh Railroad, the right to construct and operate a single-track railroad siding
42-1917	8-1-1917	Granting the Philadelphia and Reading Railway Company the privilege to construct, maintain and operate a single-track railroad siding
48-1917	8-22-1917	Granting the Philadelphia and Reading Railway Company the privilege to construct, maintain and operate an additional single-track railroad siding
21-1918	7-31-1918	Authorizing the American Telegraph and Telephone Company to occupy and use the underground works of the Bell Telephone Company
67-1922	12-6-1922	Entering into an agreement between the City and the Reading Transit and Light Company for the temporary abandonment of the exercise of the franchise of the Company on Nineteenth Street
17-1923	4-4-1923	Permitting the Hamburg Gas and Electric Company, on certain conditions, to place and maintain poles on property of the City in Ontelaunee Township for serving electric current

Ord. No.	Date	Description
26-1923	5-29-1923	Granting the American District Telegraph Company of Pennsylvania a franchise to operate a signal system in the City
58-1923	10-17-1923	Permitting the Metropolitan Edison Company to erect towers and cross property of the City on Fritz's Island with overhead wires
24-1924	3-19-1924	Permitting Metropolitan Edison Company to lay an underground conduit for the purpose of supplying the prison with electric current
28-1924	5-14-1924	Granting Northeastern Street Railway Company to construct, maintain and operate a single-track electric railway
10-1926	2-10-1926	Extending the time for the American District Telegraph Company to begin operations to avail itself of the privilege granted to it by Ord. No. 26-1923
31-1928	3-28-1918	Executing a contract with William B. Sheidy for the collection of garbage
35-1928	4-11-1928	Executing a contract with Metropolitan Edison Company to provide lighting of a section of Mineral Spring Road
39-1928	4-25-1928	Executing a contract with Metropolitan Edison Company to provide lighting of a section of the Eighteenth Ward
159-1928	12-26-1928	Executing a contract between the City and Metropolitan Edison Company to furnish electric streetlighting service to the City for a term of 5 years
6-1929	1-23-1929	Executing a contract between the City and Metropolitan Edison Company to furnish electric streetlighting service to the City for a term of 5 years
63-1929	8-21-1929	Executing a lease between the City and Metropolitan Edison Company providing for the leasing of the City a duct in the conduit system owned and maintained by the company together with the cable therein
84-1929	10-30-1929	Permitting the Reading City Passenger Railway Company upon surrender and relinquishing of all its franchise rights to remove its existing easterly single track of the double track now maintained
86-1929	10-30-1929	Executing a lease between the City and Metropolitan Edison Company providing for the leasing of the City a duct in the conduit system owned and maintained by the company together with the cable therein
51-1930	7-16-1930	Granting the Reading Company the privilege to construct, operate and maintain a single-track railroad siding
66-1930	8-20-1930	Executing a contract between the City and Metropolitan Edison Company to provide streetlighting for a portion of the City for a term of 10 years

Ord. No.	Date	Description
82-1930	10-22-1930	Executing a contract between the City and Metropolitan Edison Company to provide lighting of the underpass under the railroad tracks of the Reading Company
87-1930	11-19-1930	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the Eighteenth Ward
94-1930	12-3-1930	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for 10 years
2-1931	1-21-1931	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for 10 years
14-1931	2-18-1931	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City
31-1931	4-29-1931	Declaring that the Reading and Southwestern Street Railway Company has forfeited and abandoned its franchise and right to occupy with its tracks
54-1931	7-1-1931	Executing a contract between the City and Metropolitan Edison Company for supplying electricity to the Old City Hall Building
53-1933	12-13-1933	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City
20-1934	3-21-1934	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City
66-1934	9-26-1934	Granting to the Reading Coach Company the franchise to operate motor bus passenger transportation for hire over and along public ways of the City
15-1936	2-26-1936	Executing an agreement with the Pennsylvania Railroad Company for placing storm sewer pipe lines across the tracks and property of the Pennsylvania Railroad
18-1936	3-25-1936	Amending an agreement with the Reading Coach Company
48-1939	10-11-1939	Amending an agreement with the Reading Coach Company
45-1940	8-28-1940	Amending Ord. No. 40-1940 to extend contract between the City and Metropolitan Edison Company from 8 years and 9 months to 10 years
49-1940	10-11-1940	Amending Ord. No. 66-1934
57-1940	11-27-1940	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for 10 years
23-1942	7-8-1942	Amending Ord. No. 66-1934 and Ord. No. 49-1940

Ord. No.	Date	Description
20-1947	7-23-1947	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for one year
21-1947	7-23-1947	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for 1 year
8-1948	3-24-1948	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for 10 years
29-1948	7-14-1948	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for 1 year
30-1948	7-14-1948	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for 1 year
29-1949	6-29-1949	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for 10 years
34-1949	7-25-1949	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for 1 year
35-1949	7-25-1949	Executing a contract between the City and Metropolitan Edison Company to provide lighting for a section of the City for 1 year
29-1957	7-24-1957	Regulating the form of contracts between the City and the Electric Light and Power Company having the right to furnish streetlighting and types of electric light and power services
32-1963	12-24-1963	Granting a nonexclusive franchise to Berks T.V. Cable Company to operate and maintain a community television system in the City
22-1966	5-25-1966	Granting a nonexclusive franchise to T.V. Service Company to operate and maintain a community television system in the City
30-1966	6-15-1966	Granting a nonexclusive franchise to Suburban T.V. Cable Company to operate and maintain a community television system in the City
5-2007	1-22-2007	Granting a nonexclusive and revocable franchise to Comcast of New Mexico/Pennsylvania LLC, for a period of 15 years, replacing a cable franchise agreement that the City entered into with Berks Cable on December 24, 1985 and is subject to City Ord. No. 101-85, entitled "City of Reading Cable Television Ordinance"

Ord. No.	Date	Description
45-2007	6-25-2007	Authorizing the Mayor to execute the agreement between the City of Reading and Berks Community Television for the provision of an annual appropriation
16-2011	3-28-2011	Authorizing the Mayor to execute the agreement between the City of Reading and Exide Technologies, allowing Exide Technologies to enter onto and to remediate Bernhart Park
21-2011	4-25-2011	Authorizing the Mayor to execute the lease between the City of Reading and the Reading Area Fire Fighters Museum, Inc.
30A-2011	7-11-2011	Authorizing the Mayor to execute the agreement between the City of Reading and the County of Berks for premises for the development, erection and operation of a public safety radio system
33-2011	7-25-2011	Authorizing the Mayor to execute the agreement of cooperation between the City of Reading and the Reading School District for the joint support of a recreational and education program and creation of the Reading Recreational Commission
39-2011	8-8-2011	Authorizing the Mayor to execute all documents required to effectuate the transfer of ownership of premises known as 516 Gordon Street, 722 Lance Place, 1709 Mineral Spring Road, 818 Muhlenberg Street, 108 Plum Street, 112 Plum Street, 454 Schuylkill Avenue and 456 Schuylkill Avenue from Lobos Ten Properties to the City of Reading
44-2011	2-27-2011	Authorizing the Mayor to execute a lease between the City of Reading and the Olivet's Boys and Girls Club for a portion of the real estate situate in Pendora Park
48-2011	9-26-2011	Authorizing the Mayor or the Purchasing Coordinator to enter into an agreement with Municibid (online government auctions) to list various City property items for public sale online to the highest bidder
50-2011	10-24-2011	Authorizing the Mayor to execute the memorandum of understanding between the Reading Berks Association of Realtors and the City of Reading for the creation of the CORE Program within Reading
59-2011	10-24-2011	Authorizing the Mayor to execute a lease agreement between the City of Reading and ATV Bakery, Inc., which will allow the City to lease 203 Franklin Street, 205 Franklin Street, and 207 Franklin Street, and a lease agreement with the Reading Redevelopment Authority to allow the City to lease 201 Franklin Street, which together will be converted into a community garden by the Entrepreneur's Connection
31-2012	3-26-2012	Amending the lease agreement between the City of Reading and the Reading Area Water Authority

Ord. No.	Date	Description
122-2012	12-10-2012	Authorizing the Mayor to execute a third amendment to the revised and restated lease agreement between the City of Reading and Reading Baseball LP
35-2014	4-14-2014	Authorizing the Mayor to execute a first amendment to the agreement of cooperation between the City of Reading and the Reading School District to change both the number of scheduled meetings per year and the month of the organizational meeting for the Reading Recreation Commission

Chapter A613

GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS

§ A613-101. Governmental and intergovernmental affairs.

[Below is a listing of ordinances adopted by the City of Reading regarding governmental and intergovernmental affairs. Full copies of said ordinances can be found in the City Clerk's Office.]

§ A613-101. Governmental and intergovernmental affairs.

Ord. No.	Date	Description
17a	12-24-1913	Prescribing the form of warrants for the City Treasury
23a	12-31-1913	Creating the Bureau of Accounts and establishing the office of accountant
32a	1-21-1914	Permitting City Council to exercise the powers of the Board of Health
44a	2-18-1914	Designating the Purchasing Agent as the City paymaster
14-1915	3-3-1915	Directing the Department of Accounts and Finance and the City Controller to cancel all uncalled for warrants made out against House Sewer District No. 1 account and transferring any unused balance in said account to Bureau of Sewers
56-1915	9-22-1915	Declaring abandoned the work undertaken by the Metropolitan Electric Company
37-1916	4-26-1916	Entering into an agreement between the City and the Reading Transit and Light Company relating to the paving and repairing of certain streets
52-1916	7-19-1916	Granting the Charles Evans Cemetery Company permission to erect a retaining wall in consideration of the Company laying a cement or brick sidewalk on Robeson Street
54-1916	8-2-1916	Granting Belt Railroad privilege to erect and maintain an overhead bridge across River Road
64-1916	10-4-1916	Granting permission to the Carpenter Steel Company to erect a railway siding on River Road
7-1917	3-14-1917	Revising certain elevations on the topographical survey of the City to conform with the plans and profiles on file in the Office of the City Engineer
31-1917	5-23-1917	Entering into an agreement between the City and Reading Transit and Light Company concerning paving of certain streets

Ord. No.	Date	Description
62-1917	12-19-1917	Revising certain elevations on the topographical survey of the City to conform with the plans and profiles on file in the Office of the City Engineer
2-1918	1-16-1918	Abolishing the position of messenger in the Bureau of Law, Department of Public Affairs
16-1918	6-6-1918	Granting Reading Iron Company the privilege to erect and maintain overhead pipe across South Street, 288 feet west of main line of Philadelphia and Reading Railway
25-1918	8-14-1918	Executing an agreement between the City and the Pennsylvania Railroad Company for the purpose of setting back the up river abutment of the bridge across the Lancaster Turnpike in the Eighteenth Ward
31-1918	10-16-1918	Permitting H.R. Epler and Son to lay and construct at its own expense and under certain conditions a 3-inch steam pipe into a new building for heating purposes
15-1919	4-9-1919	Granting the Philadelphia and Reading Railway Company the right to renew the bridge now carrying its railroad tracks and to construct, operate and maintain railroad tracks
24-1919	6-25-1919	Executing an agreement between the City and the County of Berks for providing payment of property damages to be incurred by the widening of Bingaman Street and other street improvements
25-1919	5-21-1919	Permitting the Reading Transit and Light Company to use the rails in track construction during the year 1919 under certain conditions and providing for street paving incident to such construction and along the right-of-way of said company
41-1919	8-29-1919	Permitting the Carpenter Steel Company to lay and construct at its own expense and under certain conditions a 2.5-inch steam line
46-1919	10-1-1919	Signifying the desire to increase indebtedness in the amount of $1,000,000 for extensions and improvements and authorizing the submission of the question of said increase of indebtedness to a vote of qualified electors in the City
57-1919	12-3-1919	Revising certain elevations on the topographical survey of the City to conform with the plans and profiles on file in office of the City Engineer
63-1919	12-24-1919	Permitting the Carpenter Steel Company to erect and construct a tram track crossing under certain conditions
71-1919	12-31-1919	Abolishing the position of assistant health officer in the Bureau of Health
74-1919	12-31-1919	Abolishing the position of general foreman in the Bureau of Parks

Ord. No.	Date	Description
6-1920	3-17-1920	Granting Dives, Pomeroy and Stewart the privilege of constructing an underground conduit
15-1920	3-29-1920	Abolishing the position of Clerk, Bureau of Health (laboratory service)
17-1920	3-29-1920	Granting the Curtis & Jones Company the right under certain conditions to construct and maintain a bridge to carry a railroad track
31-1920	6-2-1920	Reimbursing the General Fund for the amount of expenditures made in the construction of lateral house sewers
43-1920	7-21-1920	Reconstructing of the superstructure of the Front Street Bridge over the Lebanon Valley Railroad
61-1920	9-27-1920	Signifying the desire to increase indebtedness in the amount of $1,940,000 for the construction and equipment of public comfort stations and authorizing the submission of the question of said increase of indebtedness to a vote of qualified electors in the City
65-1920	12-22-1920	Granting permission to the Pennsylvania Railroad Company to construct industrial sidings across Bingaman Street under certain conditions
15-1921	3-23-1921	Constructing a bridge over Angelica Creek to Fritz's Island and making appropriations to pay
18-1921	3-30-1921	Constructing a storage building on City highway yards and making appropriations to pay
28-1921	4-27-1921	Constructing fences on City highway yards and making appropriations to pay
5-18-1921		Approving the survey and plan submitted by the City Engineer on June 16, 1920, Ord. No. 46-1920
55-1921	10-26-1921	Appropriating $6,000 from unappropriated revenues of the General Fund as follows: $2,000 to temporary employees, Department of Highways; $2,000 to highway materials; $2,000 to Bureau of Sewers
58-1921	11-16-1921	Executing an agreement between the City and the County of Berks to provide payment of the sum of $6,500 by the County of Berks to the City to assist the City in the construction of a comfort station at Penn's Common
5-1922	1-25-1922	Revising the topographical survey of the City to conform with the plans and profiles on file in the Office of the City Engineer
15-1922	3-22-1922	Permitting the Philadelphia and Reading Railway Company to construct, maintain and operate a single-track railroad siding

Ord. No.	Date	Description
26-1922	4-26-1922	Directing the Reading City Passenger Railway Company and Reading Transit and Light Company to remove their tracks and facilities and releasing the companies from the duty of paving, repaving and repairing Bingaman Street
59-1922	11-15-1922	Granting the Philadelphia and Reading Railroad Company the right to construct, operate and maintain a single-track railroad siding
71-1922	12-30-1922	Revising certain lines and grades on the topographical survey to conform with the plans and profiles on file in the office of the City Engineer
10-1923	2-7-1923	Reducing the number of Patrolmen, Class B, from 20 to 18 in the Bureau of Police
20-1923	5-2-1923	Granting the Philadelphia and Reading Railway Company the right to construct and operate a single-track railroad siding
37-1923	6-20-1923	Providing for street paving along the right-of-way of the Reading Transit and Light Company for the payment of the cost of such paving and for the disposition of moneys received by the City
68-1923	12-19-1923	Granting C.K. Whitner Co. the right under certain conditions to construct and maintain a bridge across Cherry Street connecting store properties
5-1924	1-30-1924	Permitting Clinton Costchall to lay and construct a 6-inch steam pipe for heating
7-1924	3-5-1924	Changing part of the topographical survey
14-1924	2-27-1924	Abolishing the position of assistant Chief Inspector, Bureau of Water
20-1924	4-9-1924	Changing the topographical survey in the Eighteenth Ward
28-1924	4-2-1924	Abolishing the position of Park Sergeant, Bureau of Parks
29-1924	4-9-1924	Abolishing the position of purchasing agent
31-1924	4-9-1924	Designating the City Clerk as City Paymaster, providing for the drawing of all warrants in payment of salaries and wages due officials and employees
47-1924	6-4-1924	Assigning the duties of purchasing agent to the Superintendent of the Department of Parks and Public Property
52-1924	7-16-1924	Granting consent to the relocation by the Reading & Southwestern Street Railway Company and its present lessee, Reading Transit & Light Company, of a portion of the track or route and appurtenant operation system

Ord. No.	Date	Description
53-1924	7-9-1924	Granting the Reading & Southwestern Street Railway Company and its present lessee, Reading Transit & Light Company, the right and privilege to construct, maintain and operate a second track
65-1924	7-23-1924	Permitting the Kissinger Market House Company to lay and construct 6-inch steam feed pipe and 4-inch steam return pipe
102-1924	1-14-1924	Constructing a retaining wall, concrete steps and cistern cover on the property of Mary Ann Boyer estate
4-1925	1-14-1925	Fixing the time from which owners of real estate bounding and abutting Hoskins Place shall be chargeable with interest upon the assessment made upon them for costs and expenses of grading, guttering and paving the street
5-1925	1-14-1925	Fixing the time from which owners of real estate bounding and abutting Forest Street shall be chargeable with interest upon the assessment made upon them for costs and expenses of grading, guttering and paving the street
35-1925	7-1-1925	Providing for the street, sidewalk and property improvements, surface and subsurface necessary to accomplish the physical widening of Perkiomen Avenue
44-1925	8-12-1925	Entering an agreement with the Reading & Southwestern Street Railway Company, and its present lessee, Reading Transit & Light Company, for the removal for a period not to exceed 50 years of the street railway tracks
49-1925	9-30-1925	Signifying a desire to increase the indebtedness of the City in the amount of $2,457,000 for street improvements; for the enlargement of the sewage pumping station and disposal plant; for house and storm sewers; and authorizing the submission of the question of said increase of indebtedness to a vote of the qualified electors
52-1925	9-30-1925	Signifying a desire to increase the indebtedness of the City in the amount of $750,000 for the purchase and acquisition of land and the erection of a municipal building and authorizing the submission of the question of said increase of indebtedness to a vote of the qualified electors
49-1926	3-24-1926	Revising certain lines and grades on the topographical survey of the City to conform with the plans and profiles on file in the office of the City Engineer
100-1926	7-27-1926	Granting Reading Transit Company the privilege of constructing a curve at the intersection of Centre Avenue and Spring Street upon certain conditions
165-1926	9-15-1926	Signifying the desire to increase indebtedness in the amount of $2,000 for water plant improvements and submitting the question of said increase to a vote of the qualified electors

Ord. No.	Date	Description
166-1926	9-15-1926	Signifying the desire to increase indebtedness in the amount of $1,405 for sewerage pumping station and disposal plant improvements and submitting the question of said increase to a vote of the qualified electors
25-1927	2-16-1927	Authorizing the payment of additional gratuities to the fire companies in the Bureau of Fire for the year 1927
34-1927	2-23-1927	Revising certain lines and grades on the topographical survey of the City to conform with the plans and profiles on file in the office of the City Engineer
69-1927	6-15-1927	Granting consent to the Reading Passenger Railway Company to permanently abandon a portion of the tract or route and the appurtenant operating system
80-1927	6-15-1927	Granting to the Reading City Passenger Railway Company the right and privilege to construct, maintain and operate a double-track branch-off terminating in a single track
90-1927	7-20-1927	Authorizing the Reading Company to maintain 6 telephone poles
110-1927	8-31-1927	Signifying a desire to increase the indebtedness in the amount of $750,000 for improvements to the water plant and water supply system and submitting the question to a vote of the qualified electors
126-1927	9-28-1927	Permitting David Schein, Samuel R. Rosenberg, Benjamin Sher, George A. Rick, John Rick and Paul Rick to lay heavy cast iron pipe conduits
182-1927	12-7-1927	Destating the construction and installation of topographical survey monuments
14-1928	1-25-1928	Amending an agreement between the City and the First Presbyterian Church to extend the provisions of said agreement to the addition built to the City Hall
27-1928	3-14-1928	Entering into a contract between the Manufacturers' Appraisal Company and the City for the rendering of assistance to the City Assessor in the assessment of all property for municipal purposes
29-1928	3-21-1928	Providing an amicable settlement of damages and the transfer of title to the City of real estate of Mark E. Paff situated in Maidencreek Township
45-1928	5-9-1928	Executing an agreement employing Alexander F. Smith as architect for the work to be done in and about the building situate on the northeast corner of Eighth Street and Washington Street
51-1928	5-23-1928	Permitting F.S. Wertz & Son. Inc., to construct, lay and maintain a conveyor underground

Ord. No.	Date	Description
63-1928	6-13-1928	Permitting Farmers-Kissinger Market House Company, Inc., to construct, lay and maintain a conduit for steam supply
93-1928	8-8-1928	Authorizing the Reading Company to relocate and remove tracts from its westernmost tracks
113-1928	9-12-1928	Authorizing the Reading Company to relocate and remove tracts from its westernmost tracks
131-1928	10-31-1928	Authorizing the Mayor and City Clerk to petition the Court of Quarter Sessions for the vacating of certain roads
11-1929	2-27-1929	Placing the Detective Bureau of the City under the supervision and Control of the Chief of Police and abolishing the position of Captain of Detectives
12-1929	2-27-1929	Authorizing the Brading Company to construct a platform
40-1929	6-12-1929	Permitting the Kaufmann Furniture Company to construct and maintain certain lantern-type floodlights on cast iron standards at the curbline in front of said property
48-1929	7-3-1929	Granting the Reading Transit Company the privilege of removing present northwestward tract branch-off
77-1929	10-16-1929	Granting the Reading Transit Company the privilege of removing the existing northwestward curve in its track
90-1929	11-20-1929	Executing an agreement between the Secretary of Highways and the City for the performance of work on certain streets in the City
92-1929	11-27-1929	Executing a contract between the City and the Reading City Passenger Railway Company, Reading Traction Company and Reading Transit Company for the removal for a period not exceeding 50 years of certain rails, ties and overhead facilities
57-1930	7-23-1930	Permitting Susquehanna Pipe Line Company to lay a 6-inch seamless steel pipe of welded construction underground for the purpose of conveying gasoline
63-1930	8-6-1930	Amending Ord. No. 57-1930
83-1930	10-27-1930	Executing a contract between the City and the County of Berks concerning the Buttonwood Street Bridge
86-1930	11-19-1930	Permitting the Reading Company to construct, operate and maintain a railroad tract or industrial siding
90-1930	12-17-1930	Permitting the Pennsylvania Railroad to extend its existing tracks for a distance of about 140 feet
100-1930	12-24-1930	Permitting Liberty Dye Works, Inc., to lay, construct, maintain and operate a 4-inch wrought iron fuel oil pipeline subsurface from the center of the street to the building line
107-1930	1-7-1931	Abolishing the position of chief truck operator, Bureau of Highways

Ord. No.	Date	Description
20-1931	3-11-1931	Executing a lease between the City and the Metropolitan Edison Company to lease a duct, together with a cable, in the conduit owned and maintained by the company
25-1931	4-1-1931	Giving the consent of the City to the Commissioners of the County of Berks to proceed with the construction of the proposed Buttonwood Street Bridge
42-1931	5-13-1931	Executing an agreement between the City and the Secretary of Highways for street paving
46-1931	5-27-1931	Executing an agreement between the City and the Secretary of Highways for street paving
72-1931	8-12-1931	Executing an agreement between the City and the Muhlenberg trustees for settlement of damages on account of opening North Fifth Street through the property of the trustees
77-1931	9-2-1931	Executing an agreement between the City and the Reading for settlement of damages on account of opening North Fifth Street through the property of the company
108-1931	12-30-1931	Executing a contract between the City, Reading Street Railway Company, Reading Traction Company and the Reading & Southwestern Street Railway Company for the abandonment of their franchises and removal of certain rails
117-1931	12-31-1931	Entering an agreement between the City and the Trustees of Exeter Monthly Meeting of the Society of Friends for the planting of a private hedge, construction of 2 gateways and a stone annex to the school house
3-1932	1-7-1932	Abolishing the office of lieutenant of detectives of the Department of Public Affairs
4-1933	4-5-1933	Ratifying and confirming an agreement made 10-25-1932 between the Commonwealth of Pennsylvania and the City for the construction of a roadway
13-1933	8-2-1933	Providing payment to the J.R. Howarth Paper Company in the amount of $1,500 in full satisfaction of its claim against the City
35-1933	9-13-1933	Signifying the desire to increase indebtedness in the amount of $1,850,000 to improve water supply system pending the outcome of question posed in the general election
37-1933	9-13-1933	Fixing the time and place for holding an election of the proposed increase of indebtedness
40-1933	9-27-1933	Providing payment to the Windsor Service of the sum of $1,378.66 for the construction of bituminous penetration wearing service on Mount Penn Boulevard

Ord. No.	Date	Description
41-1933	11-8-1933	Executing an agreement between the Commonwealth of Pennsylvania and the City for the construction of reinforced concrete roadway and appurtenances
17-1934	3-14-1934	Executing a contract between the City and the United States for the purchase par value of the first maturities of the authorized issue of water loan bonds
38-1934	6-13-1934	Executing an agreement between the City and the Reading Company
59-1934	8-29-1934	Entering into an agreement with the Secretary of Highways providing for the relocation of a section of State Highway Route 06124
73-1934	11-28-1934	Executing an agreement between the City and the Commonwealth providing for the paving and improving of North Fifth Street
93-1934	1-2-1935	Adopting certain agreements between the City with Angelica Water Company
95-1934	12-31-1934	Approving a grant agreement between the City and the United States of America
50(1932)	1-16-1935	Abolishing the position of policewoman
2-1935	1-16-1935	Executing a supplemental agreement between the City and the Reading Company
8-1935	3-13-1935	Executing an agreement between the City and the Board of trustees of the First Presbyterian Church for placing and using a fire alarm striker in the tower of the church for $100 per annum
33-1935	7-3-1935	Entering an agreement between the City and the trustees of the Exeter Monthly Meeting of the Society of Friends providing for the construction of 4 gateways and a stone annex
36-1935	8-7-1935	Executing a lease between the City and the Metropolitan Edison Company
54-1935	11-20-1935	Amending Ord. No. 36-1935
64-1935	12-18-1935	Granting Delp-Knoll Grocery Company the right to use and maintain a single-track railroad siding
73-1935	12-26-1935	Executing an agreement between the City and Commonwealth of Pennsylvania for the maintenance of certain highways
8-1936	2-5-1936	Amending Ord. No. 73-1935
26-1936	5-27-1936	Amending Ord. No. 73-1935
32-1936	7-15-1935	Amending Ord. No. 73-1935

Ord. No.	Date	Description
40-1936	9-2-1936	Authorizing the Chief Engineer of the Bureau of Water to extend the contract with C.W. Good, contractor
51-1936	10-7-1936	Authorizing Works Progress Administration Project No. 6809 for the construction of a municipal airport and making appropriations
65-1936	10-21-1936	Authorizing the Works Progress Administration to improve the forest in the Antietam watershed area
70-1936	10-28-1936	Authorizing the Works Progress Administration for the improvement of the playground at Drenkle Field, Mt. Penn Reservation
71-1936	10-28-1936	Authorizing the Works Progress Administration Project OP#2152, WP #3970 for the improvement of playground at Fourteenth and Buttonwood Street
72-1936	10-28-1936	Authorizing the Works Progress Administration Projects OP#2819, WP #3975 for the improvement of the parks by treating the trees
73-1936	10-28-1936	Authorizing the Works Progress Administration Projects OP#3456, WP #3982 for the improvement of the playground on Sherman tract, Mt. Penn Reservation
74-1936	10-28-1936	Authorizing the Works Progress Administration Projects OP#4479, WP #3987 for the improvement of Pendola Park
75-1936	10-28-1936	Authorizing the Works Progress Administration Projects OP#5871, WP #5005 for the improvement of Schlegel Park
76-1936	10-28-1936	Authorizing the Works Progress Administration Projects OP#5815, WP #5961 for preparation of the roadway and the laying of the stone base in Angora Road, Mt. Penn Reservation
77-1936	11-4-1936	Amending Ord. No. 40-1936
82-1936	11-25-1936	Authorizing the Works Progress Administration to operate W.P.A. project sponsor's proposal no. 24 P. & S., surveying and valuing all property of the Bureau of Water
83-1936	11-25-1936	Authorizing Works Progress Administration to operate O.P. 165-23-4060 for the construction of 6-inch water main on Bernville Road
15-1937	4-7-1937	Authorizing Works Progress Administration Project for the improving and equipping of playground, Drenkle Field, Mt. Penn Reservation
16-1937	4-21-1937	Authorizing Works Progress Administration Project OP#1237, WP #10962 for the repairing of Twelfth and Union Streets

Ord. No.	Date	Description
29-1937	6-16-1937	Transferring the supervision of the construction and development of the municipal airport in Bern Township from the Department of Streets and Public Improvements to the Department of Public Affairs
43-1937	7-21-1937	Authorizing Works Progress Administration Project for the purpose of improving Penn's Common by removing old jail waits
56-1937	9-29-1937	Expressing the desire to increase indebtedness in the amount of $4,750,000 for purpose of acquiring a electric generating plant and authorizing an election to obtain the assent of the electors
58-1937	9-29-1937	Authorizing a settlement of a suit brought by Christian G. Bergendahl against the City
72-1937	12-8-1937	Authorizing W.P.A. project for the purpose of improving and equipping playground at Baer Park
75-1937	12-22-1937	Executing an agreement between the City and the Borough of West Reading to provide the services of Plumbing Inspectors and examining board of the City to the Borough
76-1937	12-29-1937	Recognizing the Historical Society of Berks County and Reading Museum and Art Gallery
82-1937	1-1-1938	Reassigning the Bureau of Water from the Department of Public Safety to the Department of Parks and Public Property
2-1938	2-9-1938	Authorizing Works Progress Administration Project for the purpose of improving Neversink Playground
4-1938	3-2-1938	Authorizing the Works Progress Administration Project for the construction and placing of permanent-type park benches in various City parks and playgrounds
7-1938	3-23-1938	Improving the playgrounds at Front and Schiller Streets and on South Street south of Pine Street
23-1938	7-6-1938	Authorizing the National Youth Administration Project for the improvement of Mt. Penn Reservation and other parks and recreational areas
25-1938	7-27-1938	Determining to eliminate unsafe or unsanitary dwelling units in the City, approving a form of contract with the Reading Housing Authority and authorizing the execution of said contract
43-1938	10-5-1938	Permitting the American Chain and Cable Co., Inc., to lay and construct at its own expense a 2-inch oxygen pipe line across Bayonne Street
46-1938	10-26-1938	Constructing a branch library, making an appropriation and establishing a construction account

Ord. No.	Date	Description
47-1938	10-26-1938	Constructing a band shell in Penn's Common, making an appropriation and establishing a construction account
48-1938	10-26-1938	Constructing a new park administration building, making an appropriation and establishing a construction account
49-1938	10-26-1938	Constructing an observation tower on Mt. Penn Reservation, making an appropriation and establishing a construction account
50-1938	10-26-1938	Constructing a fire house for the Junior Fire Company, making an appropriation and establishing a construction account
52-1938	11-2-1938	Constructing a reservoir, making an appropriation and establishing a construction account
53-1938	11-9-1938	Amending Ord. No. 43-1938
56-1938	11-30-1938	Constructing a concession building at the municipal airport, making an appropriation and establishing an account
73-1938	12-28-1938	Authorizing Works Progress Administration Project for the providing of a water supply from the Angelica Dam to the Garbage Disposal Plan
5-1939	2-15-1939	Approving the provisions of a proposed contract between the City and the Reading Housing Authority with respect to municipal aid for low-rent housing project
13-1939	3-8-1939	Requiring the bonding of certain officials
30-1939	6-28-1939	Amending Ord. No. 13-1939
17-1940	4-17-1940	Executing an agreement between the City and Albert W. and Mary Golden for the privilege of constructing a concrete conduit to carry electrical wires
47-1940	10-7-1940	Amending Ord. No. 13-1939
51-1940	10-30-1940	Amending Ord. No. 83-1939
35-1941	7-23-1941	Executing an agreement between the City and E. Richard Meining Company to permit said Company to construct an 18-inch thromo tile standard conduit to carry steam pipes
46-1941	9-24-1941	Limiting the liability of the City for workmen's compensation for members of the volunteer fire department
5-1942	2-4-1942	Amending Ord. No. 13-1939
11-1942	4-29-1942	Executing an underground sidewalk vault agreement between the City and Metropolitan Edison Company
13-1942	5-6-1942	Authorizing emergency suspension of City building, electrical, plumbing, water regulations and house sewer ordinances to meet the shortages created by the war program
14-1942	5-6-1942	Executing an underground sidewalk vault agreement between the City and Metropolitan Edison Company

Ord. No.	Date	Description
45-1942	10-21-1942	Transferring $2,800 from Bureau of Police to Recreation Board for the continued operation of community centers, school gymnasium classes and small maintenance crew
50-1942	1-2-1943	Providing for the payment of bonuses to certain officers and employees of the City for the duration of the present war emergency and 6 months thereafter
56-1942	1-2-1943	Executing an agreement between the City and Wilson Products, Inc., granting the privilege of Wilson Products, Inc., to construct and maintain a concrete-incased tile conduit to carry steam lines under Washington Street
29-1943	11-17-1943	Providing for the payment of a bonus to the superintendent of nurses, parochial school nurse, venereal disease nurse, 14 nurses and Clerk to superintendent of nurses of the Bureau of Health for the duration of the war emergency and 6 months after
38-1943	12-29-1943	Providing for payment of an additional bonus to certain officers and employees of the City for the duration of the war emergency and 6 months after
28-1944	11-20-1944	Providing for full settlement and discharge of the Reading Street Railway Company from all duties and liability in respect to repairing certain streets in the City
34-1944	12-27-1944	Amending Ord. No. 50-1942
35-1944	12-27-1944	Amending Ord. No. 38-1943
36-1944	12-27-1944	Providing for the payment of a 3rd additional bonus to certain officers and employees of the City during the present water emergency and 6 months after
3-1945	3-7-1945	Relating to future abandonments of the street railway lines owned by Reading Street Railway Company
27-1945	10-10-1945	Executing an agreement between the City and Wertz Engineering Company granting the company the privilege of constructing and maintaining a concrete-incased tile conduit to carry steam lines under North Second Street
41-1945	1-2-1946	Transferring the Bureau of City Planning from the Department of Accounts and Finance to the Department of Streets and Public Improvements
42-1945	1-2-1946	Amending Ord. No. 13-1939
2-1946	1-23-1946	Extending the liability of the City for the benefit of firemen of the volunteer fire department of the City
3-1946	2-6-1946	Granting Wilson Products Company, its successors and assigns the right under certain conditions to construct and maintain a bridge across Thorn Street

Ord. No.	Date	Description
45-1946	9-4-1946	Executing an agreement between the City and Wilson products, Inc., to permit Wilson Products, Inc., to construct and maintain 2 concrete-incased tunnels under Thorn Street
54-1946	11-13-1946	Granting Lincoln Tanning Company the privilege of extending their railroad siding on the western sidewalk of Canal Street
3-1947	1-29-1947	Executing an agreement between the City and the Berks Home Building, Inc., to grant the privilege of constructing and maintaining steel pipe heating lines in transit pipe ducts
30-1947	10-1-1947	Approving and establishing grades, drainage structures and all other structures appearing on the plan of the Department of Highways
37-1947A	12-17-1947	Abolishing the Bureau of Planning and assigning its duties to the Bureau of Engineering
12-1948	4-28-1948	Granting Earle Hardware Manufacturing Company the right under certain conditions to construct and maintain a bridge over and across Gregg Avenue
17-1948	6-30-1948	Approving and establishing grades, drainage structures and all other structures appearing on the plan of the Department of Highways
12-1949	5-4-1949	Granting G.H. Delp Co. the right to use and maintain a single-track railroad
22-1949	6-8-1949	Rejecting the provisions of House Bill No. 1216 of the General Assembly
25-1949	6-15-1949	Granting the Polymer Corporation permission to construct and maintain a 3-inch steel electric conduit and a 1-inch galvanized iron air pipe encased in 4-inch-radius concrete
26-1949	6-15-1949	Authorizing payment by the Treasurer of the City the sum of $7,500 to the City Bank and Trust Company from the City general and water improvement loan 1947 for consideration or release of damages by the City Bank and Trust
6-1950	3-15-1950	Accepting of certain payments in lieu of taxes from Reading Housing Authority and approving a form of contract
13-1950	4-26-1950	Granting permission to the Parish Pressed Steel Company to construct and maintain a 24-inch-by-18-inch underground reinforced concrete pipe trench under the surface of the street
32-1950	9-6-1950	Desiring to increase indebtedness in the amount of $700,000 for the construction and erection of a new garbage disposal plant and calling an election for the purpose of obtaining the assent of the electors

Ord. No.	Date	Description
33-1950	9-20-1950	Desiring to increase indebtedness in the amount of $500,000 for sewage disposal plant improvements and calling an election for the purpose of obtaining the assent of the electors
34-1950	9-20-1950	Permitting the Seaboard Paper Company to construct and lay beneath the surface an existing tunnel a 1.25-inch oil feed pipe, 1-inch steel oil return pipe and 3/4 steel steam pipe
35-1950	9-20-1950	Desiring to increase indebtedness in the amount of $400,000 for water plant improvements and calling an election for the purpose of obtaining the assent of the electors
9-1952	2-13-1952	Requiring surety bonds for all persons holding any position in the City
45-1952	9-24-1952	Signifying the desire to increase the indebtedness in the amount of $3,000,000 for the purpose of funds to repairs and improvements and replacements to the water system and calling an election for the purposes of obtaining the assent of electors
30-1953	10-21-1953	Authorizing the Treasurer to furnish insurance protection against losses through fire, burglary, larceny, theft, robbery or forgery
38-1953	12-23-1953	Permitting Parish Pressed Steel Company permission to construct and maintain an underground reinforced concrete pipe trench under surface of Weiser Street to connect buildings
47-1955	10-19-1955	Declaring that the large dead tree on the east side of Weiser Street is a public nuisance and a dangerous structure and authorizing the City Solicitor to give notice to remove
67-1955	12-28-1955	Authorizing an excavation contract with the Commonwealth of Pennsylvania to provide for certain improvements to Warren Street
10-1956	2-29-1956	Signifying the desire to increase the indebtedness in the amount of $4,500,000 for the purpose of funds for sewer improvements and calling an election for the purposes of obtaining the assent of electors
42-1956	7-25-1956	Establishing a motor license fund for the deposit of monies received from the Commonwealth and establishing use for the fund
23-1958	9-3-1958	Executing a contract between the City and Carpenter Steel Company to provide a protected walkway for pedestrians; and a private roadway for emergency access and relocation of existing telephone lines along proposed walk and roadway to carry the City's fire alarm system

Ord. No.	Date	Description
25-1958	8-13-1958	Revising an agreement between the City and the Borough of Mt. Penn. for the discharge of sewage into the sewage system
38-1958	1-7-1959	Prescribing the number and compensation of the officers and employees of the City
3-1959	4-1-1959	Renewing the agreement between the City and G.H. Delp Co. for the right to use and maintain a single-tract railroad siding
10-1960	3-2-1960	Signifying the desire to increase the indebtedness in the amount of $950,000 for the purpose of funds for capital improvements and calling an election for the purposes of obtaining the assent of electors
10-1969	3-5-1969	Reappointing Florin H. Monasmith as Fire Marshal for the City
54-1970	12-2-1970	Entering into a management contract with the Reading Parking Authority
56-1970	12-23-1970	Accepting the provisions of the Act of June 26, 1931, P.L. 1379, as amended, respecting to the assessment of property within the City, for City and school purposes commencing for the fiscal year 1972
19-1971	5-19-1971	Appointing the American Bank and Trust Co. of PA, Bank of Pennsylvania and National Central Bank as depositories for the establishment of escrow accounts under the Rent Withholding Act
47A-1971	1-19-1972	Authorizing the establishing of a firemen's pension fund
21-1972	5-4-1972	Establishing a position of special counsel to independent boards and commissions in the City
12-1973	3-7-1973	Amending an agreement between the City and the Borough of Laureldale concerning sewage disposal
13-1973	3-7-1973	Amending an agreement between the City and the Borough of Mount Penn concerning sewage disposal
15-1973	4-4-1973	Establishing a business improvement district
16-1973	3-21-1973	Revoking the privilege to the Reading Steam Heat and Power Company to lay and occupy mains or lines of pipes
41-1973	9-5-1973	Authorizing the sale of housing permit listing, minus the phone numbers, as prepared by the Data Processing Center
43-1973	8-15-1973	Executing an agreement between the City, Temple Borough Municipal Authority and the Borough of Temple concerning sewage disposal

Ord. No.	Date	Description
65-1973	12-31-1973	Waiving any type of legal prohibition pertaining to a compulsory arbitration award with Firefighters Local 1803 in excess of a 1-year period and further agreeing to the retroactivity of said award to January 1, 1974
20-1975	5-14-1975	Designating as the basis for paying for sidewalk improvements within the Penn Square Business Improvement District as an assessment against all properties benefitting from the improvements
39-1975	8-27-1975	Approving the award by the Reading Parking Authority of certain contracts in connection with the construction of a surface parking facility
9-1976	2-18-1976	Levying and assessing the costs and expenses for the construction of sidewalks and other improvements in the business improvement district known as "Penn Square Improvement District"
35-1976	10-20-1976	Authorizing proper City officials to enter into a joint purchasing agreement with the Townships of Lower Alsace, Exeter and Bern or between any political subdivisions for the purpose of purchasing materials, supplies, services and/or equipment
38-1976	11-10-1976	Naming Berks County Trust Company as depository for the motor license fund
29-1977	8-10-1977	Approving a report submitted to City Council pursuant to § 206 of the Local Government Unit Debt Act with respect to proceedings to qualify certain lease rental debt of the City which is subject to exclusion from the appropriate debt limit of the City as self-liquidating debt
32-1977	8-24-1977	Establishing a business improvement district known as "Downtown East Business Improvement District No. 1"
15-1979	4-25-1979	Entering into an agreement with the Reading Municipal Airport Authority terminating the lease agreement between the Authority and the City for the property of the Airport Authority in Bern Township to guarantee a loan of $500,000 by the Authority from National Central Bank
35-1980	7-9-1980	Supplementing an appropriation for the purchase of capital assets consisting of motor vehicles and other motorized equipment which shall be derived from sums received from the sale of a general obligation note of the City
40-1980	7-30-1980	Supplementing an appropriation for urban park and recreation recovery program which shall be derived from sums received from the United States Department of Interior, Heritage Conservation and Recreation Service for the development of a park and recreation recovery plan for the City

Ord. No.	Date	Description
41-1980	7-30-1980	Supplementing an appropriation for the media program which shall be derived from sums received from the public committee for the humanities of Pennsylvania, the community development block grant, outside contributions and the City for the development of multimedia program to promote historic appreciation and preservation values for the City
49-1980	10-22-1980	Supplementing an appropriation for regulatory and warning sign program which shall be derived from sums received from the Federal Highway Administration under the Federal Aid Highway Act of 1976 and the City for the upgrading of regulatory and warning signs
54-1980	11-12-1980	Supplementing an appropriation for adaptive refuse study for the purpose of conducting a feasibility study of endangered buildings in the City which shall be derived from sums received from the Commonwealth of Pennsylvania Office of Historic Preservation, community development block grant and the City
55-1980	11-12-1980	Supplementing an appropriation of the feasibility study at Lake Ontelaunee Dam in connection with the proposed hydroelectric development project which shall be derived from proceeds of the loan agreement form the United States Department of Energy
13-1981	4-29-1981	Supplementing an appropriation for highway safety program which shall be derived from sums received from the Federal Highway Administration for the City
34-1981	6-19-1981	Prescribing the number and compensation of the bargaining unit employees of Local #1303 of I.A.F.F., Bureau of Fire Protection
41-1983	8-31-1983	Appointing Andrea J. Andrus to the position of patrol aid
50-1983	9-21-1983	Finalizing the 9th-year community development program budget for the period from September 1, 1983, to August 31, 1984
76-1983	12-21-1983	Establishing and creating neighborhood opportunity areas
80-1983	12-28-1983	Transferring various personnel to various bureaus
83-1983	1-4-1984	Creating a fund to provide for the potential contingency expenditure of sums of money for the maintenance, repair and cost of replacement or updating parts of the sewage treatment system, including the treatment plant
4-1984	1-18-1984	Amending Ord. No. 80-1983
10-1984	2-8-1984	Creating a checking account to provide for the potential expenditures of sums of money for the refund of overcollected prior years' business privilege taxes

Ord. No.	Date	Description
31-1984	3-21-1984	Establishing a separate account for the deposit of Pennsylvania Department of Community Affairs funds for enterprise development area program
54-1984	5-30-1984	Appointing Michael N. Mavreles to Deputy Director of Accounts and Finance for the period of time that Councilman Thomas W. Gajewski, as Director of Accounts and Finance, is unavailable to perform his duties
55-1984	5-30-1984	Appointing Richard I. Boyer as First Deputy Fire Chief
56-1984	5-3-1984	Appointing Michael J. Moyer as Second Deputy Fire Chief
92-1984	9-26-1984	Finalizing the 10th-year community development budget for the period of September 1, 1984, to August 31, 1984
106-1984	11-14-1984	Approving the 1984 revision to the codified ordinances
77-1985	9-18-1986	Finalizing the 11th-year community development program budget for the period of September 1, 1985 to August 31, 1986
88-1985	11-6-1985	Approving the editing and inclusion of certain legislation as parts of the various component codes of the codified ordinances
92-1985	11-27-1985	Amending the 11th-year community development program budget for the year September 1, 1985 to August 31, 1986
10-1986	2-5-1986	Establishing a separate account for the deposit of Pennsylvania Department of Community Affairs funds for the enterprise development area program
13-1986	2-12-1986	Levying and assessing the costs and expenses for the construction of certain pedestrian areas, fountains, plants and landscaped areas, public walkways. plazas, sidewalks, artwork and other improvements in the business improvement district known as "Downtown East Business Improvement District No. 1"
31-1986	4-16-1986	Establishing separate accounts for the fund for revitalization and economic development, the housing development account and program income
79-1986	10-1-1986	Finalizing the 12th-year community development program budget for the period September 1, 1986 to August 31, 1987
112-1986	12-31-1986	Appointing Dolores A. Lorah as Fire Marshal
5-1987	1-28-1987	Creating a facade improvement program
8-1987	2-18-1987	Electing Warren H. Haggerty, Jr. as Mayor for the term ending the first Monday in January, 1988
9-1987	2-18-1987	Electing James A. Pollock to Council for the term ending the first Monday in January, 1988
56-1987	8-5-1987	Reinstating 2 Fire Drivers, Jeffrey S. Nein and Kerry E. Miller, from suspension

Ord. No.	Date	Description
61-1987	8-12-1987	Amending the 12th-year community development budget for the period of September 1, 1986, to August 31, 1987
68-1987	9-2-1987	Establishing a separate account for the enterprise zone for revitalization and economic development loan program
70-1987	9-9-1987	Establishing a separate account for the facade improvement program
77-1987	9-23-1987	Finalizing the 13th-year community development program budget for period September 1, 1987, to August 31, 1987
89-1987	11-25-1987	Appointing Steven E. Orlosky as Fire Training Officer in the Department of Public Safety
91-1987	11-25-1987	Amending the 13th-year community development program budget for the period September 1, 1987, to August 31, 1988
96-1987	12-9-1987	Amending 13th-year community development program budget for the period September 1, 1987, to August 31, 1988
32-1988	4-13-1988	Increasing the bond amounts of various employees
53-1988	6-15-1988	Amending 13th-year community development program budget for the period September 1, 1987, to August 31, 1988
57-1988	6-29-1988	Appointing Frank J. Nefos, Jr., to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
58-1988	6-29-1988	Appointing John R. Diehm to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
59-1988	6-29-1988	Appointing Timothy E. Swartz to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
60-1988	6-29-1988	Appointing William T. Stoudt, Jr., to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
61-1988	6-29-1988	Appointing Frederick S. Kellenberger to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
62-1988	6-29-1988	Appointing Gary A. Mogel to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
63-1988	6-29-1988	Appointing Scot I. Landis to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
64-1988	6-29-1988	Appointing David H. Whitmoyer to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
66-1988	6-29-1988	Appointing Raymond E. Wertz, Jr., to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
67-1988	6-29-1988	Appointing Stephen J. Serba to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
68-1988	6-29-1988	Appointing Keith D. Moyer to the position of Fire Driver I, Bureau of Fire, Department of Public Safety
72-1988	7-6-1988	Appointing James D. Howe, Jr., to the position of Patrolman Trainee, Bureau of Police, Department of Public Affairs

Ord. No.	Date	Description
73-1988	7-6-1988	Appointing Mark A. Garrett to the position of Patrolman Trainee, Bureau of Police, Department of Public Affairs
74-1988	7-6-1988	Appointing Elizabeth M. Nester to the position of Patrolman Trainee, Bureau of Police, Department of Public Affairs
75-1988	7-6-1988	Appointing Todd E. Trupp to the position of Patrolman Trainee, Bureau of Police, Department of Public Affairs
76-1988	7-6-1988	Appointing Scott J. Anuszewski to the position of Patrolman Trainee, Bureau of Police, Department of Public Affairs
78-1988	7-6-1988	Appointing Joseph M. Walsh to the position of Patrolman Trainee, Bureau of Police, Department of Public Affairs
79-1988	7-6-1988	Appointing Christina L. Mayberry to the position of Patrolman Trainee, Bureau of Police, Department of Public Affairs
80-1988	7-6-1988	Appointing Nelson Oritz to the position of Patrolman Trainee, Bureau of Police, Department of Public Affairs
81-1988	7-6-1988	Appointing Roberto Fontanez to the position of Patrolman Trainee, Bureau of Police, Department of Public Affairs
86-1988	7-6-1988	Dismissing David L. Kramlich from the position of Patrolman III, Bureau of Police
106-1988	9-7-1988	Dismissing Alphonso Powers from position of Patrolman III, Bureau of Police
107-1988	9-14-1988	Amending the facade improvement program
113-1988	9-28-1988	Finalizing the 14th-year community development program budget for the period September 1, 1988, to August 31, 1989
117-1988	10-19-1988	Amending the 14th-year community development program budget for the period September 1, 1988, to August 31, 1989
22-1989	3-8-1989	Amending the 14th-year community development program budget for the period of September 1, 1988, to August 31, 1989
28-1989	3-29-1989	Dismissing Timmy S. Killian from the position of Patrolman III, Bureau of Police
44-1989	5-24-1989	Appointing Timothy D. Raun to the position of Police Officer Trainee
45-1989	5-24-1989	Appointing Todd A. Graeff to the position of Police Officer Trainee
46-1989	5-24-1989	Appointing Robert P. Heiden to the position of Police Officer Trainee
47-1989	5-24-1989	Appointing Jeffrey A. Arroyo to the position of Police Officer Trainee
48-1989	5-24-1989	Appointing Craig Christman to the position of Police Officer Trainee

Ord. No.	Date	Description
49-1989	5-24-1989	Appointing Francis P. Colosimo to the position of Police Officer Trainee
51-1989	5-24-1989	Appointing Barbara A. Conrad to the position of Police Officer Trainee
52-1989	5-24-1989	Appointing Ken A. Moyer to the position of Police Officer Trainee
53-1989	5-24-1989	Appointing Brenda L. Moore to the position of Police Officer Trainee
54-1989	5-24-1989	Appointing Edwin Santiago, Jr., to the position of Police Officer Trainee
55-1989	5-24-1989	Appointing Dale J. DeWald to the position of Police Officer Trainee
56-1989	5-24-1989	Appointing Edward D. Helm to the position of Police Officer Trainee
57-1989	5-24-1989	Appointing Jack E. Frey to the position of Police Officer Trainee
61-1989	5-30-1989	Appointing Michelle A. Groff to the position of Police Officer Trainee
62-1989	5-30-1989	Appointing Tracy L. Hoffman to the position of Police Officer Trainee
63-1989	5-30-1989	Appointing Joseph T. Cafoncelli to the position of Police Officer Trainee
69-1989	6-21-1989	Appointing Ronald E. Wentzel, Jr., to the position of Fire Driver I, Bureau of Fire
70-1989	6-21-1989	Appointing Michael C. Welsh to the position of Fire Driver I, Bureau of Fire
71-1989	6-21-1989	Appointing Keith J. Eschleman to the position of Fire Driver I, Bureau of Fire
98-1989	10-4-1989	Finalizing the 15th-year community development program budget for the period of September 1, 1989, to August 31, 1990
11-1990	2-14-1990	Amending the 15th-year community development program budge for the period of September 1, 1989, to August 31, 1990
39-1990	4-18-1990	Amending the 15th-year community development program budget for the period of September 1, 1989, to August 31, 1990
45-1990	5-9-1990	Approving the editing and inclusion of certain ordinances as parts of various component codes of the codified ordinances

Ord. No.	Date	Description
49-1990	5-23-1990	Amending the 15th-year community development program budget for the period of September 1, 1989, to August 31, 1990
50-1990	5-23-1990	Amending the 15th-year community development program budget for the period of September 1, 1989, to August 31, 1990
51-1990	5-30-1990	Amending the 15th-year community development program budget for the period of September 1, 1989, to August 31, 1990
55-1990	6-6-1990	Dismissing Dale DeWald from his position of Patrolman Trainee
56-1990	6-6-1990	Appointing Mark A. George as Fire Driver I, Bureau of Fire
57-1990	6-6-1990	Appointing Donald R. Sassaman, Jr., as Fire Driver I, Bureau of Fire
58-1990	6-6-1990	Appointing Gene A. Spotts as Fire Driver I, Bureau of Fire
66-1990	6-27-1990	Appointing Walter F. Balkiewicz as Police Officer Trainee
67-1990	6-27-1990	Appointing Bobby L. Moser as Police Officer Trainee
68-1990	6-27-1990	Appointing Edwin A. Leon as Police Officer Trainee
69-1990	6-27-1990	Appointing Philip N. Bentz as Police Officer Trainee
70-1990	6-27-1990	Appointing David K. Harer as Police Officer Trainee
71-1990	6-27-1990	Appointing Harold T. Shenk as Police Officer Trainee
72-1990	6-27-1990	Appointing Guy S. Lehman, Jr., as Police Officer Trainee
73-1990	6-27-1990	Appointing David A. Shilling as Police Officer Trainee
74-1990	6-27-1990	Appointing Craig M. Ziemba as Police Officer Trainee
75-1990	6-27-1990	Appointing John M. Pontician as Police Officer Trainee
76-1990	6-27-1990	Appointing Timothy M. Kelly as Police Officer Trainee
77-1990	6-27-1990	Appointing James Bolton as Police Officer Trainee
78-1990	6-27-1990	Appointing Judith K. Long as Police Officer Trainee
79-1990	6-27-1990	Appointing Luis A. Gonzales as Police Officer Trainee
80-1990	6-27-1990	Appointing William F. Strickler as Police Officer Trainee
81-1990	6-27-1990	Appointing Todd M. Iaeger as Police Officer Trainee
82-1990	6-27-1990	Appointing Robert G. Lombardo as Police Officer Trainee
83-1990	6-27-1990	Appointing Andrea J. Andrus as Police Officer Trainee
84-1990	6-27-1990	Appointing John P. Wasilko as Police Officer Trainee
85-1990	6-27-1990	Appointing Barry L. Rambo as Police Officer Trainee
86-1990	6-27-1990	Appointing Wendy L. Tag as Police Officer Trainee
87-1990	6-27-1990	Appointing Edward H. Winters as Police Officer Trainee
125-1990	10-3-1990	Appointing Nelson S. Berrios as Police Officer Trainee

Ord. No.	Date	Description
126-1990	10-3-1990	Appointing John W. Rohrbach, Jr., as Police Officer Trainee
127-1990	10-3-1990	Appointing Frederick S. Brossman as Police Officer Trainee
128-1990	10-3-1990	Appointing Jodi B. Royer as Police Officer Trainee
129-1990	10-3-1990	Appointing Ivan R. Martinez-Rosa as Police Officer Trainee
130-1990	10-3-1990	Appointing Gerardo Vega as Police Officer Trainee
131-1990	10-3-1990	Appointing Salvatore Olivier as Police Officer Trainee
132-1990	10-3-1990	Appointing James D. Gresh as Police Officer Trainee
133-1990	10-3-1990	Appointing James M. Frank as Police Officer Trainee
134-1990	10-3-1990	Appointing Richard B. Dixon, Jr., as Police Officer Trainee
135-1990	10-3-1990	Appointing Jose A. Colon as Police Officer Trainee
171-1990	11-21-1990	Approving the editing and inclusion of certain ordinances as parts of various component codes of the codified ordinances
178-1990	12-19-1990	Appointing George T. Kellenberger as First Deputy Fire Chief
179-1990	12-19-1990	Appointing Jeffrey L. Squibb as First Deputy Fire Chief
180-1990	12-19-1990	Appointing John M. Sands as Second Deputy Fire Chief
181-1990	12-19-1990	Appointing Nicholas E. Amicone as Second Deputy Fire Chief
50-1991	6-19-1991	Appointing Michele Ann Saranchak as Police Officer Trainee
51-1991	6-19-1991	Appointing Troy C. Heiser as Police Officer Trainee
52-1991	6-19-1991	Appointing Marc A. Pentheny as Police Officer Trainee
53-1991	6-19-1991	Appointing Michael P. Mullen as Police Officer Trainee
54-1991	6-19-1991	Appointing Barry L. Whitmoyer as Police Officer Trainee
55-1991	6-19-1991	Appointing Michael E. Kalin as Police Officer Trainee
56-1991	6-19-1991	Appointing Angel Cecilio as Police Officer Trainee
57-1991	6-19-1991	Appointing Felix L. Mateo as Police Officer Trainee
58-1991	6-19-1991	Appointing Timothy Jay Williams as Police Officer Trainee
59-1991	6-19-1991	Appointing Cory P. Dierolf as Police Officer Trainee
60-1991	6-19-1991	Appointing Michael A. Fizz as Police Officer Trainee
61-1991	6-19-1991	Appointing Eric T. Hartman as Police Officer Trainee
62-1991	6-19-1991	Appointing John W. Gooch as Police Officer Trainee
63-1991	6-19-1991	Appointing Nicholas P. Apostolou as Police Officer Trainee
64-1991	6-19-1991	Appointing Christopher L. Santoro as Police Officer Trainee
65-1991	6-19-1991	Appointing Gregory A. Harwell as Police Officer Trainee
79-1991	8-7-1991	Retaining Frederick R. Mogel, Esquire, as special counsel to the Zoning Hearing Board

Ord. No.	Date	Description
85-1991	8-28-1991	Authorizing acting duty pay for Marsha L. VanGoethem to acting purchasing agent during the absence of the Purchasing Agent
96-1991	10-9-1991	Amending the 16th-year community development program budget for the period of September 1, 1990, to August 31, 1991
98-1991	10-16-1991	Amending the 16th-year community development program budget for the period of September 1, 1990, to August 31, 1992
101-1991	10-6-1991	Finalizing the 17th-year community development program budget for the period of September 1, 1991, to August 31, 1992
108-1991	11-6-1991	Approving the editing and inclusion of certain ordinances as parts of various component codes of the codified ordinances
113-1991	11-20-1991	Appointing Christopher A. Loftus as Police Officer Trainee
114-1991	11-20-1991	Appointing William Santana, Jr., as Police Officer Trainee
115-1991	11-20-1991	Appointing Stephen D. Powell as Police Officer Trainee
116-1991	11-20-1991	Appointing Marc A. Pontician as Police Officer Trainee
117-1991	11-20-1991	Appointing Kyle D. Olinger as Police Officer Trainee
118-1991	11-20-1991	Appointing Kevin A. Berkel as Police Officer Trainee
119-1991	11-20-1991	Appointing Stuart M. Banser as Police Officer Trainee
120-1991	11-20-1991	Appointing Roger K. Lehman as Police Officer Trainee
123-1991	12-18-1991	Retaining the services of Anthony D. Giannascoli, Esquire, as an independent contractor to research, analyze and litigate tax assessment appeals for properties currently designated as tax exempt
11-1992	2-12-1992	Designated James F. Pfleger as ADA Coordinator
25-1992	3-25-1992	Appointing Robert W. Jacobs to serve as an intern in the office of Mark J. Smolkowicz, Director of Public Safety
28-1992	3-25-1992	Transferring Michael J. Kurtz from Criminal Investigator to Sergeant
54-1992	6-10-1992	Appointing Jorge Alexsis Gonzalez as Police Officer Trainee
55-1992	6-10-1992	Appointing Kelly Kenneth Bagdon as Police Officer Trainee
56-1992	6-10-1992	Appointing Michael Mathew Bean as Police Officer Trainee
57-1992	6-10-1992	Appointing Arnold Paul Labella as Police Officer Trainee
58-1992	6-10-1992	Appointing John Michael Solecki as Police Officer Trainee
59-1992	6-10-1992	Appointing Felix Elmer Carr, Jr., as Police Officer Trainee
72-1992	7-8-1992	Appointing Christoper B. Wade as Fire Driver I, Bureau of Fire

Ord. No.	Date	Description
73-1992	7-8-1992	Appointing Kent A. Born as Fire Driver 1, Bureau of Fire
74-1992	7-8-1992	Appointing Quentin P. Englehart as Fire Driver I, Bureau of Fire
76-1992	7-8-1992	Appointing Thomas J. Rehr as Fire Driver I, Bureau of Fire
78-1992	7-8-1992	Authorizing acting duty pay for Marsha L. VanGoethem to acting purchasing agent during the absence of the Purchasing Agent
84-1992	8-5-1992	Appointing Robert J. Stichter as Fire Driver I, Bureau of Fire
85-1992	8-5-1992	Appointing Merlin J. Planer as Fire Driver I, Bureau of Fire
86-1992	8-5-1992	Appointing Timothy A. O'Brien as Fire Driver I, Bureau of Fire
94-1992	9-2-1992	Amending the 17th-year community development program budget for the period of September 1, 1991, to August 31, 1992
107-1992	10-7-1992	Finalizing the 18th-year community development program budget for the period of September 1, 1991, to August 31, 1992
137-1992	12-9-1992	Electing Frank D. McCracken to fill the vacancy on Council created by the resignation of Mark J. Smolkowicz
6-1993	2-3-1993	Appointing Mark E. Kulp as Fire Driver I, Bureau of Fire
7-1993	2-3-1993	Appointing Joseph J. DeCisco as Fire Driver I, Bureau of Fire
8-1993	2-3-1993	Appointing Luis R. Rolon as Fire Driver I, Bureau of Fire
9-1993	2-3-1993	Appointing David P. Doerrman as Fire Driver I, Bureau of Fire
10-1993	2-3-1993	Appointing David R. Kochel as Fire Driver I, Bureau of Fire
11-1993	2-3-1993	Appointing Thomas A. Leszczynski as Fire Driver I, Bureau of Fire
12-1993	2-3-1993	Appointing James G. Stoudt as Fire Driver I, Bureau of Fire
13-1993	2-3-1993	Appointing Richard I. Grauf as Fire Driver I, Bureau of Fire
14-1993	2-3-1993	Appointing Ronald P. Banks as Fire Driver I, Bureau of Fire
15-1993	2-3-1993	Appointing Kevin C. Petersen as Fire Driver I, Bureau of Fire
16-1993	2-3-1993	Appointing Brian L. Sayers as Fire Driver I, Bureau of Fire
17-1993	2-3-1993	Appointing Mark J. Ammon as Fire Driver I, Bureau of Fire
21-1993	2-10-1993	Approving the editing and inclusion of certain ordinances as parts of various component codes of the codified ordinances
31-1993	3-10-1993	Appointing David D. Anderson as Police Officer Trainee
32-1993	3-10-1993	Appointing Eddie A. Campos as Police Officer Trainee

Ord. No.	Date	Description
33-1993	3-10-1993	Appointing Jeffrey S. Parr as Police Officer Trainee
34-1993	3-10-1993	Appointing Jeffrey M. Reichart as Police Officer Trainee
35-1993	3-10-1993	Appointing Robert Bickham as Police Officer Trainee
60-1993	6-22-1993	Permitting Betty Drey who returned to City employment after resigning and withdrawing her contribution to the pension fund to purchase her time prior to her resignation although more than 1 year has elapsed since her employment
63-1993	6-30-1993	Appointing Richard I. Boyer as Fire Commissioner/Chief, Bureau of Fire
71-1993	7-28-1993	Appointing Steven E. Orlosky as First Deputy Fire Chief, Bureau of Fire
88-1993	7-28-1993	Amending the 18th-year community development program budget for the period of September 1, 1991, to August 31, 1992
89-1993	7-28-1993	Retaining Alan S. Readinger, Esquire, to investigate and provide the City with legal opinion with respect to certain medical benefits to be paid by Blue Cross and Blue Shield relative to Councilwoman Dawn A. Schutt, her daughter and grandchild
95-1993	9-1-1993	Authorizing acting duty pay for Marsha L. VanGoethem to acting purchasing agent during the absence of the Purchasing Agent
108-1993	10-13-1993	Finalizing the 19th-year community development program budget for the period of September 1, 1993, to August 31, 1994
122-1993	12-15-1993	Approving the editing and inclusion of certain ordinances as parts of various component codes of the codified ordinances
2-1994	1-12-1994	Authorizing acting duty pay for Paul N. Hoffman from Fire Driver IV to Second Deputy Chief for a period not to exceed 90 days
22-1994	4-6-1994	Appointing Paul N. Hofmann as Second Deputy Fire Chief
27-1994	4-20-1994	Appointing Ralph E. Marks as Fire Driver I, Bureau of Fire
28-1994	4-20-1994	Appointing Robert C. Himes as Fire Driver I, Bureau of Fire
29-1994	4-20-1994	Appointing John R. Seyfert as Fire Driver I, Bureau of Fire
30-1994	4-20-1994	Appointing Patrick K. Kozak as Fire Driver I, Bureau of Fire
31-1994	4-20-1994	Appointing Michael J. Shoumlisky as Fire Driver I, Bureau of Fire
32-1994	4-20-1994	Appointing Scott A. Sayers as Fire Driver I, Bureau of Fire
33-1994	4-20-1994	Appointing Michael A. Biancone as Fire Driver I, Bureau of Fire
34-1994	4-20-1994	Appointing Andrew M. Kutz as Fire Driver I, Bureau of Fire

Ord. No.	Date	Description
35-1994	4-20-1994	Appointing Richard A. Kuhn as Fire Driver I, Bureau of Fire
36-1994	4-20-1994	Appointing Brian L. Thorpe as Fire Driver I, Bureau of Fire
37-1994	4-20-1994	Appointing Donald E. Marks as Fire Driver I, Bureau of Fire
38-1994	4-27-1994	Authorizing acting duty pay for David M. Cituk while performing the duties of Manager of Accounting, Bureau of Accounting and Fiscal Management, Department of Accounts and Finance
40-1994	4-27-1994	Appointing Steven J. Johnson as Fire Driver I, Bureau of Fire
41-1994	4-24-1994	Authorizing acting duty pay for David C. Weiskercher while performing the duties of superintendent of Sewage Treatment, Bureau of Sewage Treatment, Department of Streets and Public Improvements
48-1994	5-4-1994	Appointing Joel D. Avram as Police Officer Trainee
49-1994	5-4-1994	Appointing David M. Bentz as Police Officer Trainee
50-1994	5-4-1994	Appointing James H. Griffith as Police Officer Trainee
51-1994	5-4-1994	Appointing William E. Kase as Police Officer Trainee
52-1994	5-4-1994	Appointing Damond M. Kloc as Police Officer Trainee
53-1994	5-4-1994	Appointing John J. Lackner, Jr., as Police Officer Trainee
54-1994	5-4-1994	Appointing Pasquale Leporace, Jr., as Police Officer Trainee
55-1994	5-4-1994	Appointing Brenda L. Lockhart. as Police Officer Trainee
56-1994	5-4-1994	Appointing Andrew J. McClure as Police Officer Trainee
57-1994	5-4-1994	Appointing Bruce T. Monteiro as Police Officer Trainee
58-1994	5-4-1994	Appointing Cameron M. Parker as Police Officer Trainee
59-1994	5-4-1994	Appointing Michael D. Rowe as Police Officer Trainee
60-1994	5-4-1994	Appointing Mark E. Talbot as Police Officer Trainee
62-1994	5-11-1994	Hiring H. Robert Coldstan, Esquire, as an independent contractor to litigate tax assessment appeals for the City
65-1994	5-18-1994	Amending the 19th-year community development program budget for the period of September 1, 1993, to August 31, 1994
68-1994	5-25-1994	Authorizing acting duty pay for Kevin J. Edmunds from Foreman Grade 7, Step B, to Acting Assistant Superintendent, Bureau of Sewage Treatment, Department of Public Improvements
75-1994	6-15-1994	Retaining Russell W. Scianna, P.C., as independent counsel for the Reading Zoning Hearing Board, Police Civil Service Board and Reading Fire Civil Service Board
98-1994	8-31-1994	Appointing Thomas J. MacDougal, IV, as Police Officer Trainee

Ord. No.	Date	Description
112-1994	10-12-1994	Appointing Fire Suppression Officers, Bureau of Fire, Department of Public Safety
116-1994	10-19-1994	Appointing a Lt. Fire Training Officer, Bureau of Fire, Department of Public Safety
118-1994	10-19-1994	Finalizing the 20th-year community development program budget for the period of September 1, 1994, to August 31, 1995
120-1994	10-26-1994	Retaining David A. Binder, Esquire, as independent counsel for representation of the City in all matters pertaining to sanitary sewage and the sanitary sewage treatment plant
124-1994	11-9-1994	Terminating active duty pay for David M. Cituk as acting Manager of Accounting
125-1994	11-9-1994	Authorizing active duty payment for Corey Kemp while performing duties of Manager of Accounting
129-1994	11-16-1994	Assigning fuel cards for use without charge for fuel to designated Humane Society of Berks County vehicles in compliance with the City's commercial fueline program
140-1994	12-28-1994	Transferring Jeffrey S. Ritz from Deputy Controller to Controller
11-1995	2-8-1995	Appointing Terry W. Royce as Fire Driver I, Bureau of Fire
12-1995	2-8-1995	Appointing James F. Wenrich as Fire Driver I, Bureau of Fire
13-1995	2-8-1995	Appointing Eric M. Rios as Fire Driver I, Bureau of Fire
14-1995	2-8-1995	Appointing Stuart M. Bansner as Fire Driver I, Bureau of Fire
15-1995	2-8-1995	Appointing Jeffrey J. Weitzel as Fire Driver I, Bureau of Fire
16-1995	2-8-1995	Appointing Robert A. Schmale as Fire Driver I, Bureau of Fire
17-1995	2-8-1995	Appointing Judd E. Weber as Fire Driver I, Bureau of Fire
18-1995	2-8-1995	Appointing John W. Dundore, Jr., as Fire Driver I, Bureau of Fire
19-1995	2-8-1995	Appointing Scott L. Lerch as Fire Driver I, Bureau of Fire
20-1995	2-8-1995	Appointing Timothy P. Sullivan as Fire Driver I, Bureau of Fire
21-1995	2-8-1995	Appointing Larry B. Moyer, Jr. as Fire Driver I, Bureau of Fire
51-1995	5-17-1995	Approving the editing and inclusion of certain ordinances as parts of various component codes of the codified ordinances
75-1995	8-2-1995	Appointing Anthony C. Schappel, Jr., as Police Officer Trainee

Ord. No.	Date	Description
76-1995	8-2-1995	Appointing Andrew T. Shearer as Police Officer Trainee
77-1995	8-2-1995	Appointing Robert W. Bowers as Police Officer Trainee
78-1995	8-2-1995	Appointing David D. Andre as Police Officer Trainee
79-1995	8-2-1995	Appointing Kyle D. Johnson as Police Officer Trainee
80-1995	8-2-1995	Appointing Patrick J. Santoro as Police Officer Trainee
81-1995	8-2-1995	Appointing Malcolm R. Eddinger as Police Officer Trainee
82-1995	8-2-1995	Appointing Stacey C. Acker as Police Officer Trainee
83-1995	8-2-1995	Appointing David A. Reidler as Police Officer Trainee
84-1995	8-2-1995	Appointing Craig M. Hawley as Police Officer Trainee
85-1995	8-2-1995	Appointing Craig L. Hevalow as Police Officer Trainee
86-1995	8-2-1995	Appointing Eric C. Christ as Police Officer Trainee
87-1995	8-2-1995	Appointing Mark A. Gresh as Police Officer Trainee
88-1995	8-2-1995	Appointing Timothy J. Moore as Police Officer Trainee
114-1995	10-18-1995	Finalizing the 21st-year consolidation plan budget for the period of September 1, 1995, to August 31, 1996
6-1996	2-26-1996	Appointing Linda Kelleher as City Clerk
7-1996	2-26-1996	Appointing the Mayor and appointment of the Director of Accounts and Finance in place of the Mayor as City Treasurer for the purpose of being the office for receipt of applications and other documents under various state laws which designates the City Treasurer to receive applications and/or documents
15-1996	5-28-1996	Establishing a temporary fiscal code
25-1996	8-26-1996	Abolishing the office of City Engineer and replacing the position with a new position of Director of Department of Public Works/City Engineer
35-1996	10-28-1996	Approving the editing and inclusion of certain ordinances as parts of various component codes of the codified ordinances
44-1996	12-23-1996	Establishing the titles of full-time employment positions for the City for the fiscal year 1997
47-1996	12-23-1996	Adopting temporarily the Pennsylvania Code of Ethics
3-1997	2-24-1997	Amending Ord. No. 44-1996
8-1997	4-14-1997	Authorizing the Reading Parking Authority to develop, administer and enforce a system of on-street parking regulations for the City for a period of 2 years
9-1997	4-28-1997	Appropriating and transferring monies from the general fund balance for 1996 into the contingency account
10-1997	5-27-1997	Amending Ord. No. 44-1996

Ord. No.	Date	Description
11-1997	5-27-1997	Appropriating and transferring monies from the police, public works, community development and finance departments
11A-1997	7-14-1997	Extending the discount period for 1997 recycling bills until July 15, 1997
13-1997	8-25-1997	Abolishing the Penn Square Commission
23-1997	10-27-1997	Amending Ord. No. 44-1996
29-1997	12-8-1997	Placing on the ballot the question whether the City shall provide a comprehensive system of municipal trash collection for residences within the City limits for the primary election of 1998
2-1998	1-26-1998	Establishing the salaries for certain department directors for the year 1998
3-1998	1-26-1998	Establishing the full-time employee positions for the City for the fiscal year 1998
9-1998	1-13-1998	Increasing the number of uniformed police officers
14-1998	5-11-1998	Amending Ord. No. 3-1998
24-1998	7-13-1998	Amending Ord. No. 3-1998
49-1998	12-28-1998	Establishing the full-time employee positions for the City for the fiscal year 1999
53-1998	12-21-1998	Continuing a state of emergency declared by the Mayor to facilitate the emergency repairs to the sewer system and surrounding infrastructure in the vicinity of the 200 block of Rose Street
1-1999	2-8-1999	Adding the position of Parks Maintenance Worker I to the salary ordinance and eliminating the position of Custodian II
2-1999	2-8-1999	Adding the position of full-time Clerk/Typist I to the salary ordinance and eliminating the position of part-time Clerk/ Typist
8-1999	5-24-1999	Levying special assessments against benefited properties for the purpose of alley reconstruction between the 1200 block of Alsace Road and the 1200 block of Hampden Boulevard
9-1999	7-12-1999	Adding the position of Parks Maintenance Worker I to the salary ordinance and eliminating the position of Custodian II
23-1999	1999	Requiring the Reading Regional Airport Authority to convey all assets of said Authority to the City
24-1999	10-11-1999	Adding the position of Foreman to the position ordinance
32-1999	11-22-1999	Adding the position of Parks Maintenance Worker I to the salary ordinance and eliminating the position of Custodian II

Ord. No.	Date	Description
34-1999	12-13-1999	Establishing the Capital Improvements Program for the funds of the City of Reading for the fiscal year beginning January 1, 2000, and ending December 31, 2000
44-1999	12-27-1999	Establishing the full-time employee positions for the City of Reading for the fiscal year 2000
7-2000A	6-26-2000	Amending Ord. No. 44-1999 to remove certain specified positions from the Full-time Employee Position Ordinance
17-2000	9-11-2000	Levying special assessments against benefitted properties for the purpose of alley reconstruction for properties fronting on the 1600 block of North 15th Street and the 1600 block of Palm Street, between Union Street and North 15th Street
19-2000	10-9-2000	Amending Ord. No. 44-1999 to add a specified position to the Full-time Employee Position Ordinance
29-2000	12-11-2000	Establishing the full-time employee positions for the City of Reading for the fiscal year 2001
32-2000	11-27-2000	Increasing the benefits of certain members of the Reading Firemen's Pension Fund who have terminated their services with the City of Reading
33-2000	11-27-2000	Increasing the compensation of certain members of the Officers and Employees Retirement Fund who have terminated services with the City of Reading
1-2001	1-22-2001	Amending Ord. No. 29-2000 to remove certain specified positions from the Full-time Employee Position Ordinance
2-2001	1-22-2001	Increasing the benefits of certain members of the Reading Police Pension Fund who have terminated their services with the City of Reading
6-2001	3-12-2001	Levying special assessments against benefitted properties for the purpose of alley reconstruction for properties fronting on the 1600 block of North 15th street and the 1600 block of Palm Street, between Union Street and North 15th Street
8-2001	3-26-2001	Amending Ord. No. 29-2000 by eliminating and creating certain specified positions for the Full-time Employee Position Ordinance
12-2001	4-9-2001	Amending Ord. No. 29-2000 by eliminating and creating certain specified positions for the Full-time Employee Position Ordinance
15-2001A	5-29-2001	Amending Ord. No. 29-2000 by eliminating and creating certain specified positions for the Full-time Employee Position Ordinance
17-2001A	6-11-2001	Amending Ord. No. 29-2000 by creating specified positions for the Full-time Employee Position Ordinance
18-2001	6-11-2001	Setting forth the salary of the Public Works Director

Ord. No.	Date	Description
22-2001	10-8-2001	Amending Ord. No. 29-2000 for the Human Relations Office by eliminating and creating certain specified positions for the Full-time Employee Position Ordinance
29-2001	8-27-2001	Amending Ord. No. 29-2000 by eliminating and creating certain specified positions for the Full-time Employee Position Ordinance
30-2001	9-10-2001	Amending Ord. No. 29-2000 by eliminating and creating certain specified positions for the Full-time Employee Position Ordinance
35-2001	9-24-2001	Amending Ord. No. 29-2000 by creating certain specified positions for the Full-time Employee Position Ordinance
37-2001	11-13-2001	Amending Ord. No. 29-2000 by eliminating and creating certain specified positions for the Full-time Employee Position Ordinance
41-2001	11-27-2001	Establishing the full-time employee positions for the City of Reading for fiscal year 2002
44-2001	12-10-2001	Amending Ord. No. 41-2001 by eliminating and creating certain specified positions for the Full-time Employee Position Ordinance
45-2001	12-10-2001	Amending Ord. No. 41-2001 by creating a certain specified position for the Full-time Employee Position Ordinance
46-2001	12-10-2001	Amending Ord. No. 29-2000 by creating a certain specified position for the Full-time Employee Position Ordinance
2-2002	1-28-2002	Amending Ord. No. 41-2001 by eliminating 1 Tax Examiner position and adding 1 Delinquent Tax Collector in the Finance Tax Division area
5-2002	2-25-2002	Amending Ord. No. 41-2001 by eliminating the positions of Business Resource Coordinator and Assistant Director of the Community Development Department and the positions of Housing and Neighborhood Improvement Division Manager and Planning. Zoning and Economic Development Division Manager shall be created
7-2002	3-13-2002	The salary of the Public Works Director shall be increased from $65,000 per annum to $68,000 per annum, payable in equal bimonthly installments
8-2002	4-8-2002	The full-time positions for the City of Reading for the fiscal year beginning January 1, 2002, and ending December 31, 2002, shall be modified as follows: remove 2 Data Entry Clerk positions in the Information Technology Division/ Finance Department and create 2 Clerk/Typist positions in the Information Technology Division/Finance Department

Ord. No.	Date	Description
11-2002	4-8-2002	Amending Ord. No. 41-2001 by removing the Custodian II position from the Public Works Department Parks Division and adding a Maintenance Worker I position to this division
13-2002	4-8-2002	Amending Ord. No. 41-2001 by increasing the number of Criminal Investigators by transferring 3 officers from the Patrol Section to the Criminal Investigators area, placing 1 in the Crime Prevention Unit and 2 in the Criminal Investigation Section
14-2002	4-8-2002	Amending Ord. No. 41-2001 by adding 3 additional Patrol Officers, to bring the total number of Police Officers in the Reading Police Department to 209
17-2002	4-22-2002	Amending Ord. No. 41-2001 by creating the position of Terminal Agency Coordinator within the Police Department Communications Section
19-2002	5-28-2002	Providing for local reappointment after the federal census by local governing bodies which are not entirely elected at large
26-2002	5-28-2002	Amending the Full-time Employee Position Ord. No. 41-2001, enacted November 27, 2001
22-2002	6-24-2002	Increasing the salaries of the 7 Department Directors and the Managing Director
30-2002	6-24-2002	Amending Ord. No. 42-2001 which established the full-time employee positions for the City of Reading for the fiscal year 2002
37-2002	8-12-2002	Amending the full-time employee position Ord. No. 29-2001, enacted December 27, 2001
38-2002	8-12-2002	Amending the full-time employee position Ord. No. 29-2001, enacted December 27, 2001
50-2002	9-23-2002	Setting forth the salary of the Community Development Director
64-2002	12-9-2002	Amending Ord. No. 41-2001 for the 2002 full-time position
65-2002	12-9-2002	Amending Ord. No. 41-2001 for the 2002 full-time position
66-2002	12-9-2002	Amending the 2002 Full-time Employee Position Ordinance by upgrading 13 Maintenance Worker I positions to Maintenance Worker II positions in the Water Authority section
61-2002	12-23-2002	Establishing the full-time positions and salaries for the City of Reading employees, including budgeted and contractural increases for the fiscal year beginning January 1, 2003, and ending December 31, 2003

Ord. No.	Date	Description
69-2002	12-23-2002	Amending the 2002 Full-time Employee Position Ordinance by eliminating the Clerk and Delinquent Water Bill Collector positions and creating 2 Customer Service Representatives in the Water Authority section
10-2003	4-14-2003	Amending the City of Reading Full-time Position Ord. No. 61-2002 for the Public Works Department Environmental Division
11-2003	4-28-2003	Setting the salary and benefit package for Charles R. Broad, upon the confirmation of his appointment to Chief of Police for the City of Reading
21-2003	5-27-2003	Setting forth the salary of the City Solicitor
24-2003	6-23-2003	Amending the full-time employee positions for the City of Reading for fiscal year 2003
25-2003	7-14-2003	Amending the full-time employee positions for the City of Reading for fiscal year 2003
28-2003	8-25-2003	Increasing the salary of the Public Works Director, Charles Jones
31-2003	9-22-2003	Amending the full-time employee positions for the City of Reading for fiscal year 2003
32-2003	10-13-2003	Amending Ord. No. 120-94 which retained David A. Binder, Esq., as independent counsel for representation of the City of Reading in all matters pertaining to sanitary sewage and the sanitary sewage treatment plant
2-2004	1-26-2004	Amending Bill No. 40-2003, which established the full-time employee positions for the City of Reading for the fiscal year 2004 by creating the position of Clerk Typist I within the Traffic Division of the Police Department and by eliminating the position of Chief Clerk within the Criminal Investigation Division of the Police Department
8-2004	2-23-2004	Repealing and recreating the full-time employee positions for the City of Reading for fiscal year 2004
9-2004	2-23-2004	Amending Bill No. 40-2003, which established the full-time employee positions for the City of Reading for the fiscal year 2004 by creating the position of Tax Clerk within the Tax Division of the Finance Department and by eliminating the position of Delinquent Tax Clerk within the Tax Division of the Finance Department
11-2004	3-8-2004	Setting the salary of the Human Resources Director, Lori L. Lillis, in accordance with § 706 of the City of Reading Home Rule Charter
18-2004	4-26-2004	Setting the salary of the Managing Director, R. Leon Churchill, Jr., in accordance with §§ 401 (a) and 706 of the City of Reading Home Rule Charter

Ord. No.	Date	Description
28-2004	6-15-2004	Amending Bill No. 40-2003, which established the full-time employee positions for the City of Reading for the fiscal year 2004 by creating the position of Mailroom/Tax Collector within the Tax Division of the Finance Department and by eliminating the position of Mailroom Clerk within the Mailroom Division of the Finance Department
31-2004	7-12-2004	Amending Bill No. 40-2003, which established the full-time employee positions for the City of Reading for the fiscal year 2004 by creating the position of Tradesman in the Public Works Department Property Maintenance Team and by eliminating the position of Maintenance Worker III from the Public Works Department Property Maintenance Team
35-2004	7-26-2004	Increasing the salary of the Chief of the Department of Fire and Rescue Services, in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors
40-2004	9-13-2004	Levying special assessments against benefitted properties for the purpose of alley improvement for the Morgantown Road — Bartlett Street neighborhood
51-2004	11-29-2004	Establishing the full-time positions for the City of Reading beginning January 1, 2005, and ending December 31, 2005
2-2005	1-24-2005	Increasing the salary of the Public Works Director, Charles M. Jones, in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors
5-2005	1-24-2005	Setting forth the salary of the City Solicitor
14-2005	3-28-2005	Increasing the salary of the Finance Director, Tammie Kipp, in accordance with § 706 of the City of Reading Home Rule Charter and Ord. No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors
15-2005	3-28-2005	Increasing the salary of the Community Development Director, Adam Mukerji, in accordance with § 706 of the City of Reading Home Rule Charter and Ord. No. 22-2002 which established a procedure for City Council to provide annual increase to the City's Department Directors
17-2005	5-9-2005	Increasing the salary of the Public Library Director, Frank Kasprowicz, in accordance with § 706 of the City of Reading Home Rule Charter and Ord. No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors

Ord. No.	Date	Description
19-2005	3-25-2005	Amending the Full-time Employee Position Ordinance for the City of Reading for the fiscal year 2005 by adding the Management Position of Operations Supervisor and eliminating the position of Chief Operator at the Waste Water Treatment Plant
30-2005	4-11-2005	Setting the salary of Joyce Pressley as Zoning Administrator for the City of Reading
31-2005	4-25-2005	Establishing the full-time employee positions for the City of Reading for the fiscal year 2005 by eliminating the position of Tax Clerk within the Tax Division of the Finance Department and by creating the position of Treasury Clerk in the Treasury Division of the Finance Department during the time period of January 1, 2005 through and including December 31, 2005
40-2005	6-13-2005	Setting forth the salary of the Human Resources Director
43-2005	7-11-2005	Establishing the full-time employee positions for the City of Reading for the fiscal year 2005 by increasing Police Department sworn officer authorization from 208 to 209
53-2005	8-22-2005	Increasing the salary of the Public Works Director, Charles M. Jones, in accordance with § 706 of the City of Reading Home Rule Charter and Ord. No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors
55-2005	9-12-2005	Established the full-time employee positions for the City of Reading for the fiscal year 2005 by removing the Network Analyst Position and creating the Web Developer Position in the Information Technology Division
Res. No. 95-2005	9-12-2005	Approving the agreement with the Pennsylvania Statewide Latino Coalition in connection with a federal lawsuit filed in 2003, and authorizing Mayor Thomas M. McMahon to execute any and all of the necessary documents for its completion
58-2005	9-26-2005	Increasing the salary of the Managing Director, R. Leon Churchill, Jr., in accordance with § 706 of the City of Reading Home Rule Charter and Ord. No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors

Ord. No.	Date	Description
60-2005	9-26-2005	Established the full-time employee positions for the City of Reading for the fiscal year 2005 by removing the position of Director of Human Resources and creating the position of Director of Human Resources/Risk and Safety; removing the position of Administrative Aide and creating the position of Human Resources Supervisor; removing the position of HR Coordinator Pension and creating the position of Confidential Secretary; removing the position of HR Coordinator Benefits and creating the position of Risk and Safety Manager and creating the position of Risk and Safety Specialist; removing the position of Personnel Specialist and creating the position of Employee Relations Specialist in the Human Resources/Risk and Safety Division
78-2005	11-14-2005	Ordering the immediate cessation of all construction and the replacement of all streetscape improvements removed from the premises situate at 200-206 Penn Street, Reading, Berks County, Pennsylvania
90-2005	12-19-2005	Establishing the full-time positions for the City of Reading beginning January 1, 2006, and ending December 31, 2006
4-2006	1-23-2006	Increasing the salary of the Community Development Director, Adam Mukerji, to $81,120, in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002 which established a procedure for City Council to provide annual increases to the City's department directors
5-2006	6-23-2006	Setting forth the salary of the Finance Director, Ryan P. Hottenstein, at $64,900 per annum, payable in equal bimonthly installments
8-2006	2-6-2006	Setting forth the salary of the Chief of Police, William M. Heim, at $94,500 per annum, payable in equal bimonthly installments
10-2006	2-6-2006	Amending the Full-time Employee Position Ordinance for the City of Reading by eliminating the Secretary position and creating the Zoning Technician position in the Community Development Department, Planning Division
11-2006	2-13-2006	Amending the Full-Rime Employee Position Ordinance for the City of Reading for the fiscal year 2006 by adding a Human Relations Administrator position, Clerk Typist II position/Intake Specialist, Human Relations Investigator, part-time Fair Housing Investigator to the Human Relations office which is a Division of the Managing Director's office
16-2006	2-27-2006	Amending the 2006 Full-Time Employee Position Ordinance for the Public Works Department by adding 2 positions of Shift Supervision; by removing the position of Biosolids Supervisor; and by removing the position of Foreman

Ord. No.	Date	Description
18-2006	3-13-2006	Increasing the salary of the Fire Chief, William H. Rehr, III, to $68,205.69 per annum
27-2006	4-16-2006	Creating the Reading Police Diversity Board
33-2006	4-24-2006	Amending the 2006 Full-Time Employee Position Ordinance for the Public Works Department by adding the position of Utilities Division Manager; by adding the position of Environmental Services Division Manager/Environmentalist; by adding the position of Systems Superintendent; by removing the position of Environmental Division Manager; by removing the position of Solid Waste Coordinator/ Environmentalist; and by removing the position of Collections System Manager
53-2006	7-24-2006	Amending the 2006 Full-Time Position Ordinance by creating a Division Manager position and 3 Customer Service Representative positions for the Customer Service Office
54-2006	8-14-2006	Increasing the salary of the Public Works Director, Charles M. Jones, to $81,200, in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002
58-2006	8-28-2006	Increasing the salary of the Managing Director, R. Leon Churchill, Jr., to $115,566, in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002
62-2006	9-25-2006	Amending the City of Reading Full-Time Position Ordinance, Bill No. 90-2005, by eliminating the position of Legal Coordinator and creating the position of Zoning Administrator in the Managing Director Department, Codes Enforcement Office
68-2006	10-23-2006	Amending the City of Reading Full-Time Position Ordinance by adding 2 full-time positions of Investigator and a Clerk in the Human Relations Commission under the Managing Director's Office
72-2006	11-13-2006	Amending the 2006 Full-Time Employee Position Ordinance by adding a Chief Building Official and eliminating 1 Building Inspector in the Codes Division, under the Managing Director's Office
78-2006	11-27-2006	Establishing the full-time employee positions for the City of Reading for the fiscal year 2007
89-2006	12-11-2006	Setting forth the salary of the Fire Chief, William H. Rehr, III, at $70,933.82 per annum, payable in equal bimonthly installments
100-2006	12-26-2006	Establishing the full-time employee positions for the City of Reading for the fiscal year 2007
15-2007	2-26-2007	Creating the Reading Fire Diversity Board

Ord. No.	Date	Description
17-2007	3-26-2007	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2007 primary ballot which would amend the City of Reading Home Rule Charter by providing neutrality of the Solicitor
17-2007-A	3-26-2007	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2007 primary ballot which would amend the City of Reading Home Rule Charter by defining the term "residency
19-2007	3-26-2007	Setting forth the salary of the Police Chief, William M. Heim, at $100,737
27-2007	6-12-2007	Authorizing the Mayor to execute a certain "consent and joinder" to join in an amended petition to terminate the Clinton F. Earl trust and consent to the relief requested therein
38-2007	5-29-2007	Increasing the salary of the City Solicitor, Charles D. Younger, to $66,150 per annum, payable in equal bimonthly installments
41-2007	5-29-2007	Authorizing the Mayor to execute a certain "land-owner-grantee agreement" between the City of Reading and the Riverplace Development Corporation and/or Commonwealth of Pennsylvania Department of Environmental Protection to establish solar-powered lighting along the Schuylkill River and Wyomissing Creek Trails
48-2007	7-9-2007	Setting forth the salary of the Finance Director, Ryan P. Hottenstein, at $68,450 per annum, payable in equal bimonthly installments
49-2007	6-25-2007	Transferring monies from the general fund balance to the general fund
55-2007	7-9-2007	Setting forth the salary of the Library Director, Frank Kasprowicz, at $67,087 per annum, payable in equal bimonthly installments
57-2007	7-9-2007	Amending the full-time employee positions for the City of Reading for the fiscal year 2007
59-2007	7-23-2007	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2007 general election ballot which would amend the City of Reading Home Rule Charter by changing the date for the presentation of the annual budget
60-2007	8-27-2007	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2007 general election ballot which would amend the City of Reading Home Rule Charter by removing the relationship between the salary of the Mayor and City Auditor

Ord. No.	Date	Description
69-2007	9-10-2007	Increasing the salary of the Public Works Director, Charles M. Jones, to $83,636
73-2007	11-13-2007	Authorizing the Mayor to execute a certain "consent and joinder" to join in an amended petition to terminate the Clinton F. Earl Trust and consent to the relief requested therein
79-2007	11-27-2007	Setting forth the salary of the Human Resources Director, Christine Wheelen, at $80,000 per annum, payable in equal bimonthly installments
81-2007	11-27-2007	Establishing the full-time employee positions for the City of Reading for the fiscal year 2008
3-2008	1-28-2008	Providing a cost of living increase to police pensioners retired before 2000
4-2008	1-28-2008	Amending the 2008 City of Reading Full-time Position Ordinance by eliminating the position of Sergeant and creating the position of Lieutenant in Police Administration
12-2008	2-11-2008	Increasing the salary of the Managing Director, R. Leon Churchill, Jr., in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors
13-2008	2-11-2008	Increasing the salary of the Fire Chief, William H. Rehr, III, in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors
22-2008	2-25-2008	Increasing the salary of the City Solicitor, Charles D. Younger, in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors
23-2008	2-25-2008	Increasing the salary of the Police Chief, William M. Heim, in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors
25-2008	2-25-2008	Providing a cost-of-living increase to officers and employee pensioners retired before 2002
28-2008	3-24-2008	Authorizing a reallocation in the amount of $5,000 from the City Council salary line item to the City Council community promotions line item and authorizing that sum to be transferred to Baseballtown Charities
32-2008	4-28-2008	Providing a cost of living increase to fire pensioners retired before January 1, 2000, and their beneficiaries

Ord. No.	Date	Description
33-2008	4-28-2008	Amending the officers and employees pension ordinance by striking all reference to beneficiaries
34-2008	4-28-2008	Amending the police pension ordinance by providing for a cost of living increase to police pensioners' beneficiaries
37A-2008	5-27-2008	Empowering the Reading Parking Authority Enforcement Officers to issue abandoned vehicle reports for all vehicles towed by the Reading Parking Authority due to parking violations, in accordance with the Pennsylvania Vehicle Code, 75 Pa.C.S. § 7303.1
39-2008	5-27-2008	Establishing the City of Reading Local Redevelopment Authority to advise the City of Reading City Council about the best reuse of the military facility located on Kenhorst Boulevard within the municipal boundaries of the City
51-2008	8-11-2008	Amending the 2008 City of Reading Full-time Position Ordinance by reducing the number of Police Officers to 208 and reducing the number of Firefighters/EMS Personnel to 145
56-2008	9-22-2008	Creating a committee to assist, guide and participate in the amending, revising and rewriting of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map
58-2008	10-13-2008	Requiring that the POW/MIA flag be flown at all City-owned public buildings
60-2008	9-22-2008	Amending the City of Reading 2008 Full-time Position Ordinance by eliminating the Community Development Manager position and creating the Community Development Director position
61-2008	9-22-2008	Setting forth the salary of the Managing Director, Ryan P. Hottenstein, at $100,000 per annum, payable in equal bimonthly installments
64-2008	10-13-2008	Amending the 2008 City of Reading Full-time Position Ordinance by eliminating and creating positions by reducing the number of Health and Safety Clerks from 5 to 3; eliminating 3 Health and Safety Inspectors; eliminating 2 Health Inspectors II; reducing the number of Property Maintenance Inspectors from 16 to 15; creating the position of Chief Clerk; and creating 3 First Level Supervisor positions. All aforementioned positions are listed in the Codes: Development and Inspection section of the 2008 Full-time Position Ordinance outlined herein
70-2008	10-27-2008	Setting forth the salary of the Community Development Director, Mary Hayes, at $85,000 per annum, payable in equal bimonthly installments

Ord. No.	Date	Description
77-2008	12-29-2008	Establishing the full-time employee positions for the City of Reading for the fiscal year 2009
7-2009	2-23-2009	Increasing the salary of the Police Chief, William M. Heim, in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors
8-2009	2-9-2009	Amending the City of Reading Full-time Position Ordinance by creating the position of Gun Safety Coordinator
10-2009	3-9-2009	Increasing the salary of Human Resources Director, Christine Wheelen, in accordance with § 706 of the City of Reading Home Rule Charter and Bill No. 22-2002 which established a procedure for City Council to provide annual increases to the City's Department Directors
14-2009	3-23-2009	Amending Bill 39-2008, § 2, defining the composition of the Reading Local Redevelopment Authority and setting term expiration dates
19-2009	4-13-2009	Amending the full-time employee positions for the City of Reading for the fiscal year 2009
21-2009	4-13-2009	Amending the FY 2006-2012 Capital Improvement Plan for the City of Reading
25-2009	4-27-2009	Setting forth the salary of the Finance Director, Carl Geffken, at $98,000 per annum, payable in equal bimonthly installments
32-2009	6-22-2009	Amending the FY 2006-2012 Capital Improvement Plan for the City of Reading
35-2009	7-27-2009	Amending the full-time employee positions for the City of Reading for the fiscal year 2009
48-2009	8-24-2009	Amending the full-time employee positions for the City of Reading for the fiscal year 2009
52-2009	9-14-2009	Amending the full-time employee positions for the City of Reading for the fiscal year 2009
65-2009	11-16-2009	Establishing the employment positions for the City of Reading for the fiscal year 2010
1-2010	1-25-2010	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2010 primary ballot which would amend the City of Reading Home Rule Charter by eliminating the Departments of Human Resources and Finance and creating the Department of Administrative Services
5-2010	2-8-2010	Setting forth the salary of the Community Development Director, Daniel Robinson, at $80,000 per annum, payable in equal bimonthly installments

Ord. No.	Date	Description
14-2010	4-12-2010	Authorizing the Mayor to execute the intergovernmental cooperation agreement between the City of Reading and the Reading School District for recycling collection service
22-2010	5-10-2010	Authorizing the City to enter into an intergovernmental agreement for the purpose of providing mutual aid among the County of Berks, the Friendship Hook and Ladder Company No. 1 of Boyertown, PA, the City of Reading and the Township of Spring to assist first responders in the mitigation of emergencies related to trench and structural collapse
26-2010	6-11-2010	Adopting and approving the implementation of the Recovery Plan, dated May 6, 2010, prepared by the Recovery Plan Coordinator pursuant to the Municipalities Financial Recovery Act and authorizing and instructing the City Solicitor and City Clerk to prepare for enactment, adoption and execution any ordinances, resolutions, agreements and other documents necessary for the implementation of the Recovery Plan
31-2010	7-12-2010	Setting forth the salary of the Director of Administrative Services, Carl E. Geffken, at $95,550 per annum, payable in equal bimonthly installments
78-2010	10-25-2010	Amending the 2010 City of Reading Full-Time Position Ordinance by adding the position of Controller in the Department of Finance
82-2010	10-25-2010	Amending the 2010 City of Reading Full-Time Position Ordinance by creating 3 Property Maintenance Aides
83-2010	10-25-2010	Amending the 2010 City of Reading Full-Time Position Ordinance by creating the position of Community Development Program Manager
100-2010	12-13-2010	Establishing the full-time employee positions for the City of Reading for the fiscal year 2011
4-2011	1-24-2011	Setting forth the salary of the Managing Director at $95,550 per annum, payable in equal bimonthly installments
13-2011	2-28-2011	Setting forth the salary of the Director of Administrative Services at $91,350 per annum, payable in equal bimonthly installments
22-2011	4-25-2011	Setting forth the salary of the Chief of the Department of Fire and Rescue Services at $77,500 per annum, payable in equal bimonthly installments
23-2011	5-23-2011	Amending the 2011 City of Reading Full-time Position Ordinance by eliminating 3 Sergeant positions from the Police Department

Ord. No.	Date	Description
24-2011	5-23-2011	Amending the 2011 City of Reading Full-Time Position Ordinance by adding 1 Graffiti Abatement Manager in the Solid Waste Office
28-2011	6-27-2011	Amending the 2011 City of Reading Full-Time Position Ordinance by increasing the number of Lieutenants within the Police Department from 8 to 10
29-2011	6-27-2011	Setting the salaries for the Mayor and Auditor at their 2011 rates until the City is released from Act 47 by the DCED
32-2011	7-11-2011	Amending the 2011 City of Reading Full-Time Position Ordinance by creating 1 Project Accountant/Financial Specialist; 1 Wastewater Treatment Plant Utility Engineer; 2 Industrial Mechanics; and 2 Maintenance Worker III - Electrical/Mechanical positions; and eliminating 4 Maintenance Worker III positions
34-2011	7-25-2011	Amending the 2011 City of Reading Full-Time Position Ordinance to reflect the changes made necessary by the current collective bargaining agreement for the Department of Fire and Rescue Services by adding a new category of Fire Fighter 4 Medic and setting the number of positions at 12; reducing the number of Fire Fighter 4 positions to 76; adding 1 Fire Fighter 3 positions; adding 5 Fire Fighter 1 positions; reducing the number of Lieutenant - EMS positions to 3; reducing the number of Paramedic positions to 1; and adding 2 additional positions for EMS Wheelchair and Basic Life Support units
35-2011	7-25-2011	Directing the Berks County Board of Elections to place a referendum before City voters on the 2012 primary election ballot which would amend the City of Reading Home Rule Charter by changing the qualifications of the City Auditor
36-2011	7-25-2011	Amending the 2011 City of Reading Full-Time Position Ordinance by decreasing the number of Property Maintenance Supervisors by 1, to a total of 2, and increasing the number of Property Maintenance Inspectors by 1, to a total of 14
54-2011	10-10-2011	Amending the 2011 City of Reading Full-Time Position Ordinance by creating 1 Foreman position and 1 Clerk/ Typist II position
58-2011	10-24-2011	Amending the 2011 City of Reading Full-Time Position Ordinance by reducing the number of sergeant positions in the Reading Police Department from 26 to 23
66-2011	11-28-2011	Establishing the full-time employee positions for the City of Reading for the fiscal year 2011

Ord. No.	Date	Description
15-2012	2-27-2012	Setting for the salary of the Director of the Department of Community Development at $75,000 per annum, payable in equal bimonthly installments
30-2012	3-12-2012	Amending the 2012 fiscal year Employee Position Ordinance (Bill No. 66-2011)
55-2012	5-14-2012	Setting forth the salary for the Director of Fire and Rescue Services at $72,000 per annum, payable in equal bimonthly installments
56-2012	5-29-2012	Amending Bill No. 30-2012, the 2012 City of Reading Full-Time Position Ordinance, by adding 3 temporary employees to the Citizens' Service Center for the Tax Amnesty Program
59-2012	5-29-2012	Setting forth the salary of the Managing Director of the City of Reading at $100,000 per annum, payable in equal bimonthly installments
65-2012	6-14-2012	Setting the salary of the Administrative Services Director at $90,000 per annum, payable in equal bimonthly installments
78-2012	7-9-2012	Authorizing the City to enter into an intergovernmental cooperation agreement for the purpose of creating a coalition to address the MS4 permit requirements for the Wyomisssing Creek Watershed
81-2012	8-13-2012	Authorizing the Mayor to execute the first addendum to the agreement of cooperation between the City of Reading and the Reading School District setting forth clarifications to the original agreement
84-2012	8-27-2012	Authorizing the City to enter into an intergovernmental cooperation agreement with other municipalities to participate in the Berks County MS4 Steering Committee
85-2012	8-27-2012	Authorizing the City to enter into a memorandum of understanding with the Berks County Conservation District to control accelerated erosion and prevent sediment pollution which may result from earth disturbance activities
96-2012	9-24-2012	Authorizing the Mayor to execute a memorandum of understanding between the Reading Berks Association of Realtors and the City of Reading for the creation of the Core Program within Reading
112-2012	11-19-2012	Authorizing the City to enter into an agreement with Muhlenberg Township and Muhlenberg Township Authority for cooperation with regard to transportation, treatment and disposal of sewage
113-2012	11-19-2012	Authorizing the administration to develop and implement an amnesty program to encourage responsible parties to pay delinquent housing-related fees and quality-of-life violations

Ord. No.	Date	Description
121-2012	12-10-2012	Amending the Municipalities Financial Recovery Act recovery plan
126-2012	12-17-2012	Establishing employee positions for the City of Reading for the fiscal year 2013
9-2013	3-7-2013	Amending the 2013 fiscal year employee position ordinance (Ord. No. 126-2012) by adding 20 positions to the Department of Fire and Rescue Services
10-2013	2-25-2013	Authorizing the Mayor to execute an amended memorandum of understanding between the Reading Berks Association of Realtors, Reading Redevelopment Authority and the City of Reading to allow core properties to be marketed and sold as owner-occupied rentals
18-2013	3-25-2013	Authorizing the Mayor to execute an amended memorandum of understanding between the Reading Berks Association of Realtors and the City of Reading to allow core properties to be marketed and sold as owner-occupied single units or owner-occupied residential or mixed-use rentals
21-2013	3-25-2013	Amending the 2013 full-time position ordinance
30-2013	6-24-2013	Authorizing the Mayor to execute a lease agreement between the City of Reading and WFMZ for the lease of a portion of the "WEEU Building" for the installation of a transmitter on the existing tower
33-2013	6-22-2013	Authorizing the Mayor to negotiate terms and to execute any and all documents, agreements, and any necessary papers to effectuate the conveyance of certain Penn Street properties to the City of Reading
37-2013	8-26-2013	Amending the 2013 position ordinance transferring two positions from the Streets Division of the Department of Public Works to the Solid Waste Division of the Department of Public Works
39-2013	8-26-2013	Authorizing the Mayor to execute the intergovernmental agreement between the City of Reading and the Reading School District for recycling collection service
46-2013	10-14-2013	Amending the 2013 position ordinance transferring two positions from the Department of Administrative Services, Citizens Service Center Division, to the Waste Water Treatment Division of the Department of Public Works
54-2013	11-4-2013	Amending the Municipalities Financial Recovery Act recovery plan
64-2013	11-25-2013	Establishing the employee positions for the City of Reading for the fiscal year 2014
75-2013	12-9-2013	Memorandum of understanding regarding the Pagoda

Ord. No.	Date	Description
84-2013	12-9-2013	Amending the recovery plan for the City of Reading adopted through Ordinance No. 26-2010, as amended
12-2014	2-10-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 primary ballot which would amend the City of Reading Home Rule Charter by requiring an amendment to the annual position ordinance to authorize hiring of City personnel when such hiring exceeds the authorized number of employees
14-2014	2-10-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 primary ballot which would amend the City of Reading Home Rule Charter to require appointment of a Charter Review Commission at least every five years but no sooner than every three years and prohibit City officials or employees from serving on the Commission
15-2014	2-10-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 primary ballot which would amend the City of Reading Home Rule Charter to remove duplicative language and clarify the relationship between the Mayor and the Managing Director
16-2014	2-10-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 primary ballot which would amend the City of Reading Home Rule Charter by deleting the requirement that the City Auditor be a CPA with a minimum of five years' experience in business administration, accounting, management or municipal government
17-2014	2-10-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 primary ballot which would amend the City of Reading Home Rule Charter to allow one person to serve on two boards and commissions
27-2014	4-14-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 general election ballot which would amend the City of Reading Home Rule Charter by deleting the requirement that the City Auditor be a CPA with a minimum of five years' experience in business administration, accounting, management or municipal government

Ord. No.	Date	Description
28-2014	4-14-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 general election ballot which would amend the City of Reading Home Rule Charter to require appointment of a Charter Review Commission at least every five years but no sooner than every three years and prohibit City officials or employees from serving on the Commission
29-2014	4-14-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 general election ballot which would amend the City of Reading Home Rule Charter to provide authority to the Mayor to issue administrative regulation and procedure
30-2014	4-14-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 general election ballot which would amend the City of Reading Home Rule Charter to allow one person to serve on two boards and commissions
31-2014	4-14-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 general election ballot which would amend the City of Reading Home Rule Charter to remove duplicative language and clarify the relationship between the Mayor and the Managing Director
32-2014	4-14-2014	Directing the Berks County Board of Elections to place a referendum question before City voters on the 2014 general election ballot which would amend the City of Reading Home Rule Charter by requiring an amendment to the annual position ordinance to authorize hiring of City personnel when such hiring exceeds the authorized number of employees
42-2014	4-24-2014	Authorizing a MOU between the City and the Reading Recreation Commission
55-2014	7-28-2014	Authorizing the execution of an intermunicipal cooperation agreement for the disposal of electronic waste with the Berks County Solid Waste Authority
56-2014	7-28-2014	Amending the 2014 position ordinance by eliminating one position at the wastewater treatment plant
57-2014	7-28-2014	Amending the 2014 position ordinance by decreasing the Developer positions from two to one and increasing The Network Administrator position from one to two
59-2014	8-11-2014	Establishing the salary of the Director of Public Works
60-2014	8-11-2014	Amending the 2014 position ordinance by establishing the position of Assistant Municipal Operations Manager in the Department of Administrative Services

Ord. No.	Date	Description
70-2014	9-22-2014	Establishing the salary of the Director of Fire and Rescue Services
71-2014	10-27-2014	Authorizing the Mayor to execute the lease between the City of Reading and the Reading Area Firefighters Museum, Inc., for premises located at 501 South 5th Street
82-2014	10-27-2014	Authorizing the Mayor to execute the redevelopment agreement between the City of Reading and Our City Reading for Penn Square properties
84-2014	12-8-2014	Authorizing the Mayor to execute a settlement agreement between the City of Reading and Stevens & Lee for payment of certain legal bills incurred during the Reading Area Water Authority lease negotiation
87-2014	11-10-2014	Amending the 2014 position ordinance by decreasing the Network Administrator positions from two to one and creating one position of Network Engineer
90-2014	11-24-2014	Amending the recovery plan, adopted 6-11-2010, and authorizing and instructing the City Solicitor and City Clerk to prepare for enactment, adoption and execution any ordinances, resolutions, agreements and other documents necessary for implementation of the recovery plan
93-2014	11-24-2014	Establishing the employee positions for the City of Reading for fiscal year 2015
10-2015	3-9-2015	Amending the 2015 position ordinance to add two part-time Graffiti Abatement Technicians
26-2015	5-26-2015	Amending the 2015 position ordinance by reclassifying the Human Relations Investigator position from one full-time position to one part-time position
33-2015	6-22-2015	Authorizing the lease of certain real property to the redevelopment authority pursuant to a lease agreement
70-2015	11-23-2015	Establishing the employee positions for the City of Reading for fiscal year 2016
71-2015	11-23-2015	Amending the annual salary of the City Solicitor

Chapter A614

PLAN APPROVAL

§ A614-101. Plan approval.

[Below is a listing of ordinances adopted by the City of Reading regarding the approval of plans. Full copies of said ordinances can be found in the City Clerk's Office.]
§ A614-101. Plan approval.

Ord. No.	Date	Description
6-1917	3-21-1917	Accepting the survey and plan submitted by the City Engineer designating new streets, avenues and highways as part of the Eighteenth Ward.
48-1923	8-28-1923	Approving the survey and plan submitted by the City Engineer, July 25, 1923, designating new streets, avenues and highways as part of the Fifteenth Ward, designated on said plan as the 1st section of the Glenside Annexation, with the grades and directing the same to be placed on topographical survey and entered and recorded in the plot book of street plans in the office of the City Engineer.
19-1925	4-22-1925	Approving the plan notated as plan of streets as proposed to be placed on the topographical survey of the City situate in the 8th section.
30-1925	7-1-1925	Approving the plan showing proposed streets to be placed on the topographical survey of the 3rd section of the Eighteenth Ward.
114-1927	9-14-1927	Approving the plan revising the topographical survey of proposed streets in Cathedral Heights.
157-1927	12-14-1927	Approving the plan revising the topographical survey of proposed streets in Hessian Camp No. 2.
28-1928A	4-4-1928	Approving the plan of Hessian Camp Property.
42-1928	5-9-1928	Revising the topographical survey to conform with the plans and profiles on file in the office of the City Engineer.
4-1930	2-19-1930	Revising the topographical survey to conform with the plans and profiles in the office of the City Engineer.
5-1930	2-19-1930	Revising the topographical survey to conform with the plans and profiles in the office of the City Engineer.
23-1959	10-28-1959	Amending Ord. No. 6-1917 and Ord. No. 188-1927 by modifying the topographical survey by correcting angles, distances and radii of curves in block bounded by Summit Avenue, Bartlett Street, Prospect Avenue and Arlington Street.

Ord. No.	Date	Description
49-1952	11-19-1952	Approving Plan No. 1906-13-S, topographical plan showing proposed realignment of streets on and through property belonging to the Reading Housing Authority situate in the Eighteenth Ward of the City.
66-1995	7-5-1995	Approving the proposed plan of the Reading Downtown Improvement District Authority pursuant to Ord. No. 134-1995.

Chapter A615

PUBLIC PROPERTY

§ A615-101. Public property.

[Below is a listing of ordinances adopted by the City of Reading regarding public property. Full copies of said ordinances can be found in the City Clerk's Office.]
§ A615-101. Public property.

Ord. No.	Date	Description
65a	3-25-1914	Acquiring a triangular tract of land from Isaac J. Goldsmith.
26-1914	6-3-1914	Exchanging certain real estate between the City and Joseph A. White.
68-1914	9-9-1914	Acquiring a triangular tract of land from George W. Diemer upon certain conditions.
20-1915	4-21-1915	Purchasing a tract of land in the City and another tract contiguous in Muhlenburg Township from Reading Company.
47-1915	9-8-1915	Leasing of the fire house of the Oakbrook Fire Company by the City.
74-1915	12-22-1915	Appropriating and condemning a portion of land of the Berks Land Company for the purpose of making a park and parkway along the Schuylkill River.
76-1915	12-22-1915	Purchasing property from Catharine Garrigues located in Lower Alsace Township in the amount of $500.
84-1915	12-29-1915	Accepting a gift of land from William H. and Annie R. Lunden situate in Muhlenburg Township for park purposes and agreeing to lay a water main along said property at the expense of the City.
85-1915	12-29-1915	Accepting a gift of land from George F. and Rosa Eisenbrown situate in Muhlenburg Township.
86-1915	12-29-1915	Acquiring a triangular tract of land from Frank A. Livingood, Ella C. Livingood, Alice Livingood Surls and Charles J. Livingood.
42-1916	5-3-1916	Purchasing real estate in Lower Alsace Township from William J. Shearer.
46-1916	5-19-1916	Purchasing real estate in Muhlenberg Township from Daniel J. Driscoli.
75-1917	12-26-1917	Leasing of the fire house of the Liberty Fire Company by the City.
82-1917	1-7-1918	Purchasing certain real estate in settlement of past and the elimination of future claims for flood damages.

Ord. No.	Date	Description
23-1918	8-14-1918	Purchasing real estate in the Sixteenth Ward of the City from Pamela C. Sweeny.
18-1919	4-9-1919	Purchasing real estate in the Thirteenth Ward from Charles Bishop and Annie Becker.
42-1919	9-3-1919	Purchasing real estate from the Social Welfare League of Reading for public library purposes.
28-1920	5-19-1920	Appropriating and condemning real estate of the heirs of Reese Davies in Ontelaunee Township for the extension of the Maiden Creek filters to improve the water supply.
29-1920	6-2-1920	Purchasing real estate in Lower Alsace Township from Howard L. and Bertha M. Ash.
47-1920	8-11-1920	Purchasing the machinery, equipment and appurtenances of the Reading Reduction Company installed at the garbage plant at Millmont.
4-1921	1-26-1921	Appropriating and condemning real estate of Mary B. McCoy for the erection of a public building for the use of the City.
10-1921	2-23-1921	Accepting the gift of Harry F. and Maude Kantner of a tract of land situate on Penn's Mount for a public park or public property purposes.
20-1921	4-6-1921	Accepting the gift of tract of land situate partly in the City and partly in Alsace Township from Reading Iron Company for public park or public forestry purposes.
23-1921	4-6-1921	Accepting a tract of land situate on the western slope of Mount Penn in the City from the Right Reverend Monsignor George Bornemann for public park or public forestry purposes.
38-1921	6-15-1921	Constructing and equipping a public comfort station and appurtenances underground on the highway on the southwestern corner of Fifth and Penn Streets.
43-1921	8-24-1921	Appropriating and condemning real estate of August F. Kostenbader situate partly within the limits of the City and partly in Lower Alsace Township for the purpose of making a public park.
44-1921	8-24-1921	Appropriating and condemning real estate of Elizabeth Kirschman situate partly within the limits of the City and partly in Lower Alsace Township for the purpose of making a public park.
51-1921	9-28-1921	Purchasing real estate in the City from Carr and Schad, Inc., for public library purposes.
3-1922	1-18-1922	Amending Ord. No. 44-1921.
4-1922	1-18-1922	Amending Ord. No. 43-1921.

Ord. No.	Date	Description
29-1922	5-17-1922	Reserving a tract of land at the intersection of Centre Avenue and North Fourth Street for the use of the commonwealth as a site for an equestrian statue of the late General David McMurtrie Gregg.
7-1923	2-14-1923	Executing an agreement between the City and the County of Berks for changing the topographical survey and acquiring properties on account of the construction of a new bridge on Schuylkill Avenue over the Schuylkill River in the Fifteenth Ward.
18-1923	4-4-1923	Purchasing real estate in Lower Alsace Township from Edmond Schlegel.
60-1923	10-24-1923	Appropriating and condemning real estate of Edward E. Schaeffer in Ontelaunee Township to improve water supply of the City.
61-1923	10-24-1923	Appropriating and condemning real estate of Hannah I. Davies, Sallie Davies and Edward Davies, the heirs of Reese Davies, in Ontelaunee Township to improve water supply of the City.
49-1924	6-25-1924	Appropriating and condemning real estate of Amalia Thalheimer, deceased, situate in the Township of Alsace for public parks purposes.
57-1924	7-9-1924	Purchasing real estate in Lower Alsace Township from George D. Horst for public park purposes.
58-1924	7-9-1924	Purchasing real estate in Lower Alsace Township from George D. Horst for the Water Department.
73-1924	8-6-1924	Accepting the gift of George D. Horst and the Taxpayers League of Drenkle Field formerly situate in Lower Alsace Township for park purposes.
76-1924	7-30-1924	Conveying by the Mayor property located at 626 North Eleventh Street under the will of I.A. Gerhart.
13-1925	2-25-1925	Accepting the gift of the Reading Iron Company of three tracts of land situate on Mount Penn in the Sixteenth Ward for public park or public forestry purposes.
14-1925	2-25-1925	Purchasing real estate from W. Oscar Miller for public park purposes.
16-1925	4-1-1925	Purchasing certain real estate from Jonathan K. and Anna M. Seidel and Howard F. and May R. Seidel for public street and highway purposes.
27-1925	5-6-1925	Purchasing real estate from Mrs. Elizabeth Kirschmann for the purpose of protecting the watershed.
33-1925	7-8-1925	Appropriating and condemning real estate of Herman W. Rether situate in the City for public park purposes.

Ord. No.	Date	Description
5-1926	1-27-1926	Purchasing real estate in Lower Alsace Township from Samuel M. Sherman for the purpose of protecting the watershed of the City.
6-1926	2-10-1926	Purchasing real estate in Lower Alsace Township from the Albert Thalheimer estate for the purpose of protecting the watershed of the City.
7-1926	2-10-1926	Appropriating and condemning real estate of Ida M. Hottenstein of Ontelaunee Township for watershed purposes.
8-1926	2-10-1926	Appropriating and condemning real estate of Morris Rothenberger of Ontelaunee Township for watershed purposes.
9-1926	2-10-1926	Appropriating and condemning real estate of George R. Rader of Ontelaunee Township for watershed purposes.
11-1926	2-24-1926	Appropriating and condemning real estate of Frank Lauer situate in the City for park and playground purposes.
12-1926	2-24-1926	Appropriating and condemning real estate of William P. Sweeny and Kate B. Tuke situate in the City for park and playground purposes.
13-1926	2-17-1926	Purchasing real estate in Lower Alsace Township from the executors and heirs of Jacob B. Livingood for the purpose of protecting the watershed.
14-1926	3-10-1926	Purchasing real estate in Lower Alsace Township from the executors and heirs of Jacob B. Livingood for the purpose of protecting the watershed.
15-1926	2-17-1926	Appropriating and condemning real estate of Daniel P. Shurr situate in Ontelaunee Township for watershed purposes.
17-1926	2-20-1926	Appropriating and condemning real estate of Abraham B. Lessher situate in the Maidencreek Township for watershed purposes.
18-1926	3-10-1926	Appropriating and condemning real estate of Samuel R. Althouse situate in Ontelaunee Township for watershed purposes.
19-1926	3-10-1926	Appropriating and condemning real estate of Emma Briel situate in Maidencreek Township for watershed purposes.
20-1926	3-17-1926	Appropriating and condemning real estate of Raymond L. and Helen Ohlinger situate in Maidencreek Township for watershed purposes.
21-1926	3-10-1926	Appropriating and condemning real estate of William E. Smith situate in Maidencreek Township for watershed purposes.
22-1926	3-10-1926	Appropriating and condemning real estate of M.O. Koontz situate in Maidencreek Township for watershed purposes.

Ord. No.	Date	Description
23-1926	3-10-1926	Appropriating and condemning real estate of J.B. Lesher situate in Maidencreek Township for watershed purposes.
24-1926	3-10-1926	Appropriating and condemning real estate of W. Arthur Snyder situate in Maidencreek Township for watershed purposes.
25-1926	3-10-1926	Appropriating and condemning real estate of Ammon C. Lesher situate in Maidencreek Township for watershed purposes.
26-1926	3-10-1926	Appropriating and condemning real estate of Benjamin M. Schlappig situate in Maidencreek Township for watershed purposes.
27-1926	3-10-1926	Appropriating and condemning real estate of E. Rebecca Schlappig situate in Maidencreek Township for watershed purposes.
28-1926	3-10-1926	Appropriating and condemning real estate of Howard Seiger situate in Maidencreek Township for watershed purposes.
29-1926	3-17-1926	Appropriating and condemning real estate of David A. and Ella Strausser situate in Maidencreek Township for watershed purposes.
30-1926	3-17-1926	Appropriating and condemning real estate of O.F. and Sallie B. Berger situate in Maidencreek Township for watershed purposes.
31-1926	3-10-1926	Appropriating and condemning real estate of Roy F. Lesher situate in Maidencreek Township for watershed purposes.
32-1926	3-10-1926	Appropriating and condemning real estate of Jennie E. Heilman situate in Maidencreek Township for watershed purposes.
33-1926	3-10-1926	Appropriating and condemning real estate of W. Edward Smith situate in Maidencreek Township for watershed purposes.
34-1926	3-10-1926	Appropriating and condemning real estate of Howard Briel situate in Maidencreek Township for watershed purposes.
35-1926	3-10-1926	Appropriating and condemning real estate of Edwin Briel situate in Maidencreek Township for watershed purposes.
36-1926	3-10-1926	Appropriating and condemning real estate of William Moore situate in Maidencreek Township for watershed purposes.
37-1926	3-10-1926	Appropriating and condemning real estate of Theodore M. Deck situate in Maidencreek Township for watershed purposes.
38-1926	3-17-1926	Purchasing real estate in Ontelaunee and Maidencreek Townships from Samuel M. Sherman for the protection of the watershed.

Ord. No.	Date	Description
39-1926	3-17-1926	Appropriating and condemning real estate of H. Ferdinand Wiegard situate in Maidencreek Township for watershed purposes.
40-1926	3-17-1926	Appropriating and condemning real estate of Clara L. Parvin situate partly in Maidencreek Township and partly in Ontelaunee Township for watershed purposes.
42-1926	3-17-1926	Appropriating and condemning real estate of Harvey J. Kunkle situate in Maidencreek Township for watershed purposes.
47-1926	3-24-1926	Appropriating and condemning real estate of James U. Heffley estate situate partly in Maidencreek Township and partly in Ontelaunee Township for watershed purposes.
51-1926	3-31-1926	Appropriating and condemning real estate of Mary C. Morris and Sallie H. Wiley situate in Maidencreek Township for watershed purposes.
52-1926	4-7-1926	Appropriating and condemning real estate of Isaac M. Philips situate in Ontelaunee Township for watershed purposes.
53-1926	4-7-1926	Appropriating and condemning real estate of Reuben M. Forney situate in Ontelaunee Township for watershed purposes.
54-1926	4-7-1926	Appropriating and condemning real estate of John Saul situate in Ontelaunee Township for watershed purposes.
55-1926	4-7-1926	Appropriating and condemning real estate of Thomas M. Lightfoot situate in Maidencreek Township for watershed purposes.
56-1926	4-21-1926	Purchasing real estate in Lower Alsace Township from Julia O.H. Rick for public park purposes.
57-1926	4-14-1926	Appropriating and condemning real estate of George L. Strauser situate in Maidencreek Township for watershed purposes.
59-1926	4-14-1926	Appropriating and condemning real estate of Ruth A. and Catherine Rothermel situate in Maidencreek Township for watershed purposes.
60-1926	4-14-1926	Appropriating and condemning real estate of John D. Adams situate in Maidencreek Township for watershed purposes.
63-1926	4-21-1926	Purchasing real estate in Lower Alsace Township from the Mount Penn Improvement Company for public park purposes.
64-1926	8-11-1926	Purchasing real estate in Lower Alsace Township from the Mount Penn Improvement Company for watershed purposes.

Ord. No.	Date	Description
65-1926	4-21-1926	Appropriating and condemning real estate of Wilson A. Gasser situate in Maidencreek Township for watershed purposes.
66-1926	4-21-1926	Appropriating and condemning real estate of William H. Moyer situate in Maidencreek Township for watershed purposes.
67-1926	4-21-1926	Appropriating and condemning real estate of Harvey E. Moyer situate in Maidencreek Township for watershed purposes.
68-1926	4-21-1926	Appropriating and condemning real estate of Blanche Sincox situate in Maidencreek Township for watershed purposes.
69-1926	4-21-1926	Appropriating and condemning real estate of Mary Ellen Long situate in Maidencreek Township for watershed purposes.
70-1926	4-28-1926	Appropriating and condemning real estate of Laura B. Remsnyder situate in Maidencreek Township for watershed purposes.
71-1926	4-28-1926	Appropriating and condemning real estate of Charles I. and Katie A. Hinnershitz situate in Maidencreek Township for watershed purposes.
72-1926	4-28-1926	Appropriating and condemning real estate of Leroy A. Gasser situate in Maidencreek Township for watershed purposes.
73-1926	4-28-1926	Appropriating and condemning real estate of Blanche E. Dorsett situate in Maidencreek Township for watershed purposes.
74-1926	4-28-1926	Appropriating and condemning real estate of Minnie Koch situate in Maidencreek Township for watershed purposes.
75-1926	4-28-1926	Appropriating and condemning real estate of Thomas H. Hannon situate in Maidencreek Township for watershed purposes.
76-1926	4-28-1926	Appropriating and condemning real estate of John L. and Lulu B. Brumbach situate in Maidencreek Township for watershed purposes.
77-1926	4-28-1926	Appropriating and condemning real estate of Tobias S. Ochs situate in Maidencreek Township for watershed purposes.
78-1926	4-28-1926	Appropriating and condemning real estate of William C. and Clara A. Deysher situate in Maidencreek Township for watershed purposes.
79-1926	4-28-1926	Appropriating and condemning real estate of William R. Jacobs situate in Maidencreek Township for watershed purposes.

Ord. No.	Date	Description
90-1926	7-7-1926	Appropriating and condemning real estate of Aaron R. Barth situate in the City of Reading for public park purposes.
93-1926	7-21-1926	Appropriating and condemning real estate of William I. and Helen May Conrad situate in Ontelaunee Township for improvements to the water supply of the City.
94-1926	7-21-1926	Appropriating and condemning real estate of Edward Davies. Sallie Davies and Hannah I. Davies situate in Ontelaunee Township for improvements to the water supply of the City.
95-1926	7-21-1926	Appropriating and condemning real estate of John Blankhorn situate in Ontelaunee Township for improvements to the water supply of the City.
96-1926	7-21-1926	Appropriating and condemning real estate of James A. and Sara E. Elbert situate in Maidencreek Township for watershed purposes.
97-1926	7-21-1926	Appropriating and condemning real estate of George R. and Lulia Davies Curry situate in Maidencreek Township for watershed purposes.
98-1926	7-21-1926	Appropriating and condemning real estate of Willard Weinhold situate in Maidencreek Township for watershed purposes.
99-1926	7-21-1926	Appropriating and condemning real estate of John C. and Naomi B. German situate in Maidencreek Township for watershed purposes.
101-1926	7-21-1926	Purchasing 165 lots of real estate in La Vale situate in Maidencreek Township from H. Ferdinand Wiegand for watershed purposes.
102-1926	7-21-1926	Purchasing 11 lots of real estate in La Vale situate in Maidencreek Township from H. Ferdinand Wiegand for watershed purposes.
104-1926	7-27-1926	Appropriating and condemning real estate of Lillian M. Brumbach situate in Maidencreek Township for watershed purposes.
105-1926	7-27-1926	Appropriating and condemning real estate of Laura M. Bortz situate in Maidencreek Township for watershed purposes.
106-1926	7-27-1926	Appropriating and condemning real estate of Gustus D. Becker situate in Maidencreek Township for watershed purposes.
107-1926	7-27-1926	Appropriating and condemning real estate of Frederick Brossman situate in Maidencreek Township for watershed purposes.
108-1926	7-27-1926	Appropriating and condemning real estate of Helene Bauman situate in Maidencreek Township for watershed purposes.

Ord. No.	Date	Description
109-1926	7-27-1926	Appropriating and condemning real estate of John Calvaresi situate in Maidencreek Township for watershed purposes.
110-1926	7-27-1926	Appropriating and condemning real estate of William B. and Mamie Fichthorn situate in Maidencreek Township for watershed purposes.
111-1926	7-27-1926	Appropriating and condemning real estate of Constantio Ernesto situate in Maidencreek Township for watershed purposes.
112-1926	7-27-1926	Appropriating and condemning real estate of Elmer A. Fisher situate in Maidencreek Township for watershed purposes.
113-1926	7-27-1926	Appropriating and condemning real estate of Bessie Griscom situate in Maidencreek Township for watershed purposes.
114-1926	7-27-1926	Appropriating and condemning real estate of Alice E. Gring situate in Maidencreek Township for watershed purposes.
115-1926	7-27-1926	Appropriating and condemning real estate of Deborah M. Hoffman situate in Maidencreek Township for watershed purposes.
116-1926	7-27-1926	Appropriating and condemning real estate of James C. Heist situate in Maidencreek Township for watershed purposes.
117-1926	7-27-1926	Appropriating and condemning real estate of Edwin J. Hetherington situate in Maidencreek Township for watershed purposes.
118-1926	7-27-1926	Appropriating and condemning real estate of Frank T. and Martha E. Heyde situate in Maidencreek Township for watershed purposes.
119-1926	7-27-1926	Appropriating and condemning real estate of Herman and Eugenia Hahnel situate in Maidencreek Township for watershed purposes.
120-1926	7-27-1926	Appropriating and condemning real estate of Marie A. Kauffman situate in Maidencreek Township for watershed purposes.
121-1926	7-27-1926	Appropriating and condemning real estate of Howard A. and Anna Kauffman situate in Maidencreek Township for watershed purposes.
122-1926	7-27-1926	Appropriating and condemning real estate of R. Leroy and Anetta Killian situate in Maidencreek Township for watershed purposes.
123-1926	7-27-1926	Appropriating and condemning real estate of James W. and Sarah E. Ketterer situate in Maidencreek Township for watershed purposes.
124-1926	7-27-1926	Appropriating and condemning real estate of Earl Klevansky situate in Maidencreek Township for watershed purposes.

Ord. No.	Date	Description
125-1926	8-4-1926	Appropriating and condemning real estate of John Fields situate in Maidencreek Township for watershed purposes.
126-1926	8-4-1926	Appropriating and condemning real estate of Carrie E. Luband situate in Maidencreek Township for watershed purposes.
127-1926	8-4-1926	Appropriating and condemning real estate of George A. Markert, Jr., situate in Maidencreek Township for watershed purposes.
128-1926	8-4-1926	Appropriating and condemning real estate of James J. Merkel situate in Maidencreek Township for watershed purposes.
129-1926	8-4-1926	Appropriating and condemning real estate of Frank E. Miller situate in Maidencreek Township for watershed purposes.
130-1926	8-4-1926	Appropriating and condemning real estate of G. Robert and Anna Norton situate in Maidencreek Township for watershed purposes.
131-1926	8-4-1926	Appropriating and condemning real estate of Mark E. Paff situate in Maidencreek Township for watershed purposes.
132-1926	8-4-1926	Appropriating and condemning real estate of Leona Reeser situate in Maidencreek Township for watershed purposes.
133-1926	8-4-1926	Appropriating and condemning real estate of William J. Reusing situate in Maidencreek Township for watershed purposes.
134-1926	8-4-1926	Appropriating and condemning real estate of H.G. Roberts situate in Maidencreek Township for watershed purposes.
135-1926	8-4-1926	Appropriating and condemning real estate of Howard I. Snyder situate in Maidencreek Township for watershed purposes.
136-1926	8-4-1926	Appropriating and condemning real estate of Whyoma M. Spangler situate in Maidencreek Township for watershed purposes.
137-1926	8-4-1926	Appropriating and condemning real estate of J. Walter Stover situate in Maidencreek Township for watershed purposes.
138-1926	8-4-1926	Appropriating and condemning real estate of Luke S. Stover situate in Maidencreek Township for watershed purposes.
139-1926	8-4-1926	Appropriating and condemning real estate of Sarah E. and Myrta M. Yarnell situate in Maidencreek Township for watershed purposes.
140-1926	8-4-1926	Appropriating and condemning real estate of Elizabeth Yohn situate in Maidencreek Township for watershed purposes.

Ord. No.	Date	Description
141-1926	8-4-1926	Appropriating and condemning real estate of Edwina Yohn situate in Maidencreek Township for watershed purposes.
142-1926	8-4-1926	Appropriating and condemning real estate of Lewis W. Zechman situate in Maidencreek Township for watershed purposes.
143-1926	8-4-1926	Appropriating and condemning real estate of Merrit Lumber Yards, Inc., situate in Maidencreek Township for watershed purposes.
144-1926	8-4-1926	Appropriating and condemning real estate of Jesse G. Hawley situate in Maidencreek Township for watershed purposes.
145-1926	8-4-1926	Appropriating and condemning a portion of real estate of Samuel S. Kindt situate in Ontelaunee Township for watershed purposes.
156-1926	9-15-1926	Appropriating and condemning real estate of Lewis W. Muschlitz situate in Ontelaunee Township for watershed purposes.
157-1926	9-8-1926	Amending Ord. No. 8-1926.
158-1926	9-8-1926	Amending Ord. No. 64-1926.
159-1926	9-8-1926	Amending Ord. No. 63-1926.
160-1926	9-8-1926	Purchasing real estate in Maidencreek Township from Leona Reeser for the purpose of protecting the watershed.
168-1926	9-22-1926	Purchasing real estate in Maidencreek Township from Bessie Griscom for the purpose of protecting the watershed.
169-1926	9-22-1926	Appropriating and condemning real estate of Raymond B. Brown situate in Ontelaunee Township for watershed purposes.
170-1926	9-29-1926	Exchanging real estate owned by the City for certain other real estate owned by George D. Horst.
172-1926	10-6-1926	Purchasing real estate in Maidencreek Township from John D. Adams for watershed purposes.
174-1926	10-20-1926	Purchasing real estate in Maidencreek Township from Florence E. James for watershed purposes.
175-1926	11-3-1926	Purchasing real estate in Maidencreek Township from William H. Moyer for watershed purposes.
176-1926	11-3-1926	Purchasing real estate in Maidencreek Township from Harvey E. Moyer for watershed purposes.
189-1926	12-8-1926	Purchasing real estate in Ontelaunee Township from William I. and Helen May Conrad for watershed purposes.
190-1926	12-8-1926	Purchasing real estate in Ontelaunee Township from John Blankhorn for watershed purposes.

Ord. No.	Date	Description
191-1926	12-15-1926	Purchasing real estate in Maidencreek Township from Whyoma M. Spangler for watershed purposes.
192-1926	12-22-1926	Purchasing real estate in Maidencreek Township from Mary L. Honsberger for watershed purposes.
200-1926	1-19-1927	Purchasing real estate in Maidencreek Township from Kathryn M. Anderson for watershed purposes.
3-1927	1-19-1927	Purchasing real estate in Maidencreek Township from Frederick Brossman for watershed purposes.
4-1927	1-26-1927	Purchasing real estate in Alsace Township from Edward Spuhler for park purposes.
5-1927	1-19-1927	Appropriating and condemning real estate of Edwin L. Parvin, Elizabeth S. Knight, heirs of George B. Parvin, deceased, and Lucia L. Parvin Riddle situate in Ontelaunee Township for watershed purposes.
6-1927	1-19-1927	Appropriating and condemning real estate of Carrie A. Parvin, Edwin L. Parvin, Elizabeth S. Knight, heirs of George B. Parvin, deceased, Mary I. Parvin, Benjamin Parvin and Lucia L. Parvin Riddle situate in Ontelaunee Township for watershed purposes.
7-1927	1-26-1927	Purchasing real estate in Ontelaunee Township from Hannah I. Davies for use of the Bureau of Water.
8-1927	1-26-1927	Purchasing real estate in Ontelaunee Township from Edward Davies and Hannah I. Davies for use of the Bureau of Water.
9-1927	1-26-1927	Purchasing real estate in Maidencreek Township from Willard Weinhold for watershed purposes.
13-1927	2-9-1927	Purchasing real estate in Maidencreek Township from Alice E. Gring for use of the Bureau of Water.
14-1927	2-9-1927	Purchasing real estate in Maidencreek Township from John Fields for use of the Bureau of Water.
17-1927	4-20-1927	Purchasing real estate in Ontelaunee Township from George H. Rader for use of the Bureau of Water.
18-1927	2-16-1927	Purchasing real estate in Maidencreek Township from G. Robert and Anna Norton for use of the Bureau of Water.
19-1927	2-16-1927	Appropriating and condemning real estate of Amos R. Esterly situate in Maidencreek Township for use of the Bureau of Water.
20-1927	2-16-1927	Appropriating and condemning real estate of Mary Pribula situate in Maidencreek Township for use of the Bureau of Water.
21-1927	2-16-1927	Appropriating and condemning real estate of Egnak Shtoyko situate in Maidencreek Township for use of the Bureau of Water.

Ord. No.	Date	Description
22-1927	2-16-1927	Appropriating and condemning real estate of Warren D. Jacoby and William H. Hunsberger situate in Maidencreek Township for use of the Bureau of Water.
23-1927	2-16-1927	Appropriating and condemning real estate of Warren D. and Florence W. Jacoby situate in Maidencreek Township for use of the Bureau of Water.
24-1927	2-16-1927	Appropriating and condemning real estate of Thomas E. Lindenrnuth situate in Maidencreek Township for use of the Bureau of Water.
26-1927	2-23-1927	Appropriating and condemning real estate of Thomas H. Hannon situate in Maidencreek Township for use of the Bureau of Water.
27-1927	2-23-1927	Appropriating and condemning real estate of Lyle L. Wagner situate in Maidencreek Township for use of the Bureau of Water.
28-1927	2-23-1927	Appropriating and condemning real estate of Leo K. Althouse situate in Maidencreek Township for use of the Bureau of Water.
29-1927	2-23-1927	Appropriating and condemning real estate of Leroy Yoder situate in Maidencreek Township for use of the Bureau of Water.
30-1927	2-23-1927	Appropriating and condemning real estate of Cora Ettinger situate in Maidencreek Township for use of the Bureau of Water.
31-1927	2-23-1927	Appropriating and condemning real estate of Anthony B. Rearden situate in Maidencreek Township for use of the Bureau of Water.
32-1927	2-23-1927	Appropriating and condemning real estate of Anthony B. Rearden situate in Maidencreek Township for use of the Bureau of Water.
33-1927	2-23-1927	Appropriating and condemning real estate of Jacob F. Forney situate in Ontelaunee Township for use of the Bureau of Water.
37-1927	3-23-1927	Appropriating and condemning real estate of Samuel N. Potteiger situate in the City for park and playground purposes.
38-1927	3-23-1927	Appropriating and condemning real estate of William E. Fisher situate in the City for park and playground purposes.
40-1927	3-9-1927	Purchasing real estate in Maidencreek Township from Herman and Eugenia Hahnel for use of the Bureau of Water.
41-1927	3-9-1927	Purchasing real estate in Maidencreek Township from Cora Ettinger for use of the Bureau of Water.

Ord. No.	Date	Description
42-1927	3-9-1927	Purchasing real estate in Maidencreek Township from Helene Bauman for use of the Bureau of Water.
43-1927	3-9-1927	Appropriating and condemning real estate a society or association known as "Exeter Monthly Meeting," "The Friends," "Society of Friends" and "Maidencreek Preparative Meeting" situate in Ontelaunee Township for the use of the Bureau of Water.
44-1927	3-9-1927	Appropriating and condemning real estate from a society or association known as "Exeter Monthly Meeting," "The Friends," "Society of Friends" and "Maidencreek Preparative Meeting" situate in Maidencreek Township for the use of the Bureau of Water.
45-1927	3-16-1927	Purchasing real estate in Maidencreek Township from William J. Reusing for use of the Bureau of Water.
46-1927	3-16-1927	Purchasing real estate in Maidencreek Township from Elmer A. Fisher for use of the Bureau of Water.
47-1927	3-23-1927	Appropriating and condemning real estate from Howard D. Becker situate in Maidencreek Township for park and playground purposes.
48-1927	3-30-1927	Purchasing real estate in Maidencreek Township from Anthony B. Rearden for use of the Bureau of Water.
49-1927	3-30-1927	Purchasing real estate in Maidencreek Township from Edwin J. Hetherington for use of the Bureau of Water.
50-1927	4-6-1927	Purchasing real estate in Maidencreek Township from Luke S. Stover for use of the Bureau of Water.
51-1927	4-6-1927	Purchasing real estate in Maidencreek Township from J. Walter Stover for use of the Bureau of Water.
54-1927	4-13-1927	Purchasing real estate in Maidencreek Township from Lillian M. Brumbach for use of the Bureau of Water.
55-1927	4-20-1927	Appropriating and condemning real estate from Jesse Lightfoot situate in Maidencreek Township for use of the Bureau of Water.
56-1927	4-20-1927	Appropriating and condemning real estate from Thomas M. Lightfoot situate in Maidencreek Township for use of the Bureau of Water.
57-1927	4-20-1927	Purchasing real estate in Maidencreek Township from Howard I. Snyder for use of the Bureau of Water.
58-1927	4-20-1927	Purchasing real estate in Maidencreek Township from Thomas H. Hannon for use of the Bureau of Water.
60-1927	4-27-1927	Purchasing real estate in Maidencreek Township from R. Leroy and Annetta Killian for use of the Bureau of Water.

Ord. No.	Date	Description
61-1927	5-4-1927	Purchasing real estate in Maidencreek Township from Lewis W. Zechman for use of the Bureau of Water.
62-1927	5-4-1927	Purchasing real estate in Maidencreek Township from John S. Hipple for use of the Bureau of Water.
63-1927	5-4-1927	Purchasing real estate in Ontelaunee Township from Samuel R. Althouse for use of the Bureau of Water.
67-1927	5-18-1927	Purchasing real estate in Maidencreek Township from Deborah M. Hoffman for use of the Bureau of Water.
73-1927	6-15-1927	Appropriating and condemning real estate from Samuel N. Potteiger situate in the City for park and playground purposes.
74-1927	6-8-1927	Purchasing real estate in Maidencreek Township from Constantino Ernesto for use of the Bureau of Water.
92-1927	7-27-1927	Appropriating and condemning real estate from Charles C. Snyder situate in Ontelaunee Township for use of the Bureau of Water.
93-1927	7-27-1927	Appropriating and condemning real estate from Warren J. High situate in Ontelaunee Township for use of the Bureau of Water.
94-1927	7-27-1927	Appropriating and condemning real estate from Benjamin Keim situate in Maidencreek Township for use of the Bureau of Water.
105-1927	8-10-1927	Purchasing real estate in Maidencreek Township from James A. and Sarah E. Elbert for use of the Bureau of Water.
106-1927	8-17-1927	Purchasing real estate in Maidencreek Township from Sarah E. and Myrta Yarnell for use of the Bureau of Water.
120-1927	9-14-1927	Purchasing real estate in Maidencreek Township from Marie A. Kauffman for use of the Bureau of Water.
121-1927	9-14-1927	Appropriating and condemning real estate from Harry A. Phillips situate in Maidencreek Township for use of the Bureau of Water.
122-1927	9-14-1927	Appropriating and condemning a portion real estate from Sailer Lauer, Marguerite Wesner, and Elsie Bosler situate in Maidencreek Township for use of the Bureau of Water.
123-1927	9-21-1927	Purchasing real estate in Maidencreek Township from John C. and Naomi B. German for use of the Bureau of Water.
128-1927	10-5-1927	Purchasing real estate in Maidencreek Township from Wilson A. Gasser for use of the Bureau of Water.
129-1927	10-5-1927	Purchasing real estate in Maidencreek Township from Leroy A. Gasser for use of the Bureau of Water.
130-1927	10-5-1927	Purchasing real estate in Maidencreek Township from Leroy A. Gasser for use of the Bureau of Water.

Ord. No.	Date	Description
131-1927	10-5-1927	Purchasing real estate in Maidencreek Township from Edith M. Yohn for use of the Bureau of Water.
133-1927	10-18-1927	Purchasing real estate in Maidencreek Township from James J. Merkel for use of the Bureau of Water.
134-1927	10-18-1927	Purchasing real estate in Maidencreek Township from Justus D. Becker for use of the Bureau of Water.
135-1927	10-18-1927	Purchasing real estate in Maidencreek Township from Tobias S. Ochs for use of the Bureau of Water.
140-1927	10-26-1927	Purchasing real estate in Maidencreek Township from Thomas E. Lindenmuth for use of the Bureau of Water.
141-1927	11-2-1927	Purchasing real estate in Maidencreek Township from Earl Klevansky for use of the Bureau of Water.
142-1927	11-2-1927	Purchasing real estate in Maidencreek Township from William R. Jacobs for use of the Bureau of Water.
149-1927	11-16-1927	Appropriating and condemning a portion of real estate from Calvin Berndt situate in Maidencreek Township for use of the Bureau of Water.
150-1927	11-16-1927	Appropriating and condemning a portion of real estate from Henry S. Hartman situate in Maidencreek Township for use of the Bureau of Water.
154-1927	11-23-1927	Appropriating and condemning a portion of real estate from Joseph S. Pendleton situate in Maidencreek Township for watershed purposes.
159-1927	12-7-1927	Purchasing real estate in Maidencreek Township from Laura M. Bortz for use of the Bureau of Water.
160-1927	11-30-1927	Purchasing real estate in Maidencreek Township from Carrie E. Lubanda for use of the Bureau of Water.
161-1927	11-30-1927	Approving an agreement between the City and the trustees of the Exeter Monthly Meeting of the Society of Friends for the acquisition of tracts of real estate for use of the Bureau of Water.
162-1927	11-30-1927	Purchasing real estate in Maidencreek Township from John L. and Lulu B. Brumbach for use of the Bureau of Water.
163-1927	11-30-1927	Appropriating and condemning a portion real estate from William S. Seidel and Maude H. Schaeffer situate in Maidencreek Township for watershed purposes.
194-1927	12-21-1927	Appropriating and condemning real estate from Calvin O. and Katie Alice Berndt situate in Maidencreek Township for the use of the Bureau of Water.
195-1927	12-21-1927	Appropriating and condemning real estate from Katie Alice Berndt situate in Maidencreek Township for the use of the Bureau of Water.

Ord. No.	Date	Description
196-1927	12-21-1927	Appropriating and condemning real estate from Benjamin B. Peter estate situate in Maidencreek Township for the use of the Bureau of Water.
30-1928	3-21-1928	Rescinding the lease for the Pagoda property to Sarah M. Eckel and leasing the property to Fred M. and Kathryn Schaffner
36-1928	4-18-1928	Entering into an agreement with the Reading School District to provide for the purchase by the City of the Old Boys' High School property.
40-1928	5-2-1928	Executing an option agreement between the National Natatorium Corporation and the City giving the City the privilege of purchasing the "Sternbergh Plot" within 10 years.
47-1928	5-9-1928	Providing an amicable settlement of damages and the transfer of title to City of real estate of Warren J. High situate in Oriteaunee Township.
49-1928	5-16-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of William C. and Clara A. Deysher situate in Maidencreek Township.
50-1928	5-16-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Edith H. Seyfert and Helen H. Quier situate in Maidencreek Township.
53-1928	5-29-1928	Appropriating and condemning a portion of real estate of Isaac Schwab situate in Maidencreek Township for use of the Bureau of Water.
54-1928	5-23-1928	Appropriating and condemning a portion of real estate of George W. Grubb situate in Maidencreek Township for use of the Bureau of Water.
55-1928	5-23-1928	Appropriating and condemning a portion of real estate of George E. Koszarek situate in Maidencreek Township for use of the Bureau of Water.
56-1928	5-23-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Egnak Shtoyko situate in Maidencreek Township.
57-1928	5-23-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Howard A. and Anna Kauffman situate in Maidencreek Township.
58-1928	5-29-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Howard D. Becker situate in Maidencreek Township.
60-1928	6-6-1928	Entering into an agreement with George D. Horst for the purchase of real estate.

Ord. No.	Date	Description
61-1928	6-6-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Merritt Lumber Yard. Inc., situate in Maidencreek Township.
64-1928	6-13-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of William B. and Mamie Fichthorn situate in Maidencreek Township.
65-1928	6-13-1928	Appropriating and condemning a portion of real estate of Irwin and Jennie F. Ludwig situate in Maidencreek Township for use of the Bureau of Water.
66-1928	6-13-1928	Appropriating and condemning a portion of real estate of Lowell R. and Mary G. Kerling situate in Maidencreek Township for use of the Bureau of Water.
67-1928	6-13-1928	Appropriating and condemning a portion of real estate of Harry J. and Helen M. Shuman situate in Maidencreek Township for use of the Bureau of Water.
68-1928	6-13-1928	Appropriating and condemning a portion of real estate of Irwin S. Kalbach situate in Maidencreek Township for use of the Bureau of Water.
69-1928	6-13-1928	Appropriating and condemning a portion of real estate of George S. Rothermel situate in Maidencreek Township for use of the Bureau of Water.
70-1928	6-13-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of David and Ella Strauser situate in Maidencreek Township.
71-1928	6-13-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Roy F. Lesher situate in Maidencreek Township.
72-1928	6-13-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of E. Rebecca Schlappig situate in Maidencreek Township.
73-1928	6-13-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of E. Benjamin M. Schlappig situate in Maidencreek Township.
76-1928	6-13-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Frank E. Miller situate in Maidencreek Township.
77-1928	6-20-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Charles I. and Katie A. Hinnershitz situate in Maidencreek Township.
78-1928	6-27-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Harvey J. Kunkle situate in Maidencreek Township.

Ord. No.	Date	Description
80-1928	6-27-1928	Appropriating and condemning a portion of real estate of Edna M. Lockhart situate in Maidencreek Township and partly in Richmond Township for use of the Bureau of Water.
81-1928	6-27-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Jennie E. Heilman situate in Maidencreek Township.
82-1928	6-27-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Raymond B. Brown situate in Onteaunee Township.
84-1928	7-3-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Emma Briel situate in Maidencreek Township.
85-1928	7-3-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of George A. Market, Jr., situate in Maidencreek Township.
86-1928	7-11-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Earl H. G. Roberts situate in Maidencreek Township.
88-1928	7-18-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Leroy Yoder situate in Maidencreek Township.
89-1928	7-18-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of John Saul situate in Ontelaunee Township.
90-1928	7-18-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Warren D. and Florence W. Jacoby situate in Maidencreek Township.
91-1928	7-18-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Theodore M. Deck situate in Maidencreek Township.
92-1928	7-18-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of James W. Ketterer situate in Maidencreek Township.
97-1928	7-25-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Lewis W. Muschlitz situate in Ontelaunee Township.
98-1928	8-1-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Mary Ellen Long situate in Maidencreek Township.
99-1928	8-8-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Elizabeth Yohn situate in Maidencreek Township.

Ord. No.	Date	Description
100-1928	8-8-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of M.O. Koontz situate in Maidencreek Township.
101-1928	8-8-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Ida May Lesher situate in Maidencreek Township.
102-1928	8-8-1928	Appropriating and condemning a portion of real estate of Jacob S. Wentzel situate in Richmond Township for use of the Bureau of Water.
103-1928	8-8-1928	Appropriating and condemning a portion of real estate of William and Clara Greishaber situate in Maidencreek Township for use of the Bureau of Water.
104-1928	8-8-1928	Appropriating and condemning a portion of real estate of Frank Boylan, John Rhoads and Edward Wicklein situate in Maidencreek Township for use of the Bureau of Water.
105-1928	8-15-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of W. Arthur Snyder situate in Maidencreek Township.
109-1928	8-29-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of George R. Curry and Lulia Davies Curry situate in Maidencreek Township.
110-1928	8-29-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Reuben M. Forney situate in Ontelaunee Township.
112-1928	9-5-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Harry L. Foreman situate in Maidencreek Township.
121-1928	10-17-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Howard Seiger situate in Maidencreek Township.
122-1928	10-17-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Howard Briel situate in Maidencreek Township.
123-1928	10-17-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Edwin Briel situate in Maidencreek Township.
124-1928	10-17-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Ammon H. Sponagle situate in Maidencreek Township.
128-1928	10-24-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Laura B. Remsnyder situate in Maidencreek Township.

Ord. No.	Date	Description
130-1928	10-31-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Blanche Sincox situate in Maidencreek Township.
132-1928	11-7-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Samuel S. Kindt situate in Ontelaunee Township.
133-1928	11-7-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of George E. Koszarek situate in Maidencreek Township.
136-1928	11-21-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Blanche E. Dorsett situate in Maidencreek Township.
138-1928	11-28-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Wayne S. Lesher situate in Maidencreek Township.
139-1928	11-28-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of William Moore situate in Maidencreek Township.
141-1928	12-5-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of George S. Rothermal situate in Maidencreek Township.
143-1928	12-12-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Leo K. Althouse situate in Maidencreek Township.
144-1928	12-19-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of George S. Rothermel situate in Maidencreek Township.
145-1928	12-12-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Isaac Schwab situate in Maidencreek Township.
146-1928	12-12-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Joseph S. Pendleton situate in Maidencreek Township.
147-1928	12-12-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Sailor Lauer, Marguerite Wesner and Elsie Bosler situate in Maidencreek Township.
148-1928	12-12-1928	Expressing the willingness of the City to settle amicably damages resulting from the condemnation of real estate located in Maidencreek Township.
151-1928	12-19-1928	Providing an amicable settlement of damages and perfecting of the title in the City of real estate of Ruth A. and Catherine Rothermel situate in Maidencreek Township.

Ord. No.	Date	Description
160-1928	12-26-1928	Providing an amicable settlement of damages and perfecting of the title of real estate of Sallie H. Wily and Mary C. Morris situate in Maidencreek Township.
161-1928	12-26-1928	Providing an amicable settlement of damages and perfecting of the title of real estate of William E. Fisher situate in Maidencreek Township.
164-1928	1-9-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of Samuel N. Potteiger, deceased, situate in the City.
165-1928	1-9-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of Edna M. Lockhart situate in Maidencreek Township.
5-1929	1-23-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of Mary Heffley, Elmer Heffley, Linden Heffley, Carrie L. Ziegler, Daniel Wesner, Harvey E. Seidel, James M. Dick, Hiester L. Dick and Carrie E. Stubblebine.
7-1929	2-6-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of W. Edward Smith situate in Maidencreek Township.
10-1929	2-20-1929	Purchasing real estate in the City from George Elderton for park and playground purposes.
21-1929	4-3-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of Amos R. Esterly situate in Maidencreek Township.
24-1929	4-17-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of Warren R. Hunsicker situate in Maidencreek Township.
25-1929	5-1-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of Jennie E. Heilman situate in Maidencreek Township.
26-1929	5-1-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of Jennie E. Heilman situate in Maidencreek Township.
27-1929	5-1-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of Walter A. and Lilian M. Neihart situate in Maidencreek Township.
34-1929	5-15-1929	Purchasing real estate in Maidencreek Township from George H. and Katherine Barr for watershed purposes.
49-1929	7-3-1929	Purchasing real estate in the City from Rudolf W. Herbst for park purposes.

Ord. No.	Date	Description
51-1929	7-10-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of Sallie H. Wily and Mary C. Morris, et al., situate in Maidencreek Township.
69-1929	9-11-1929	Purchasing real estate partly situate in Maidencreek Township and partly in Richmond Township from the estate of Joel C. Miller for watershed purposes.
97-1929	12-11-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of Frank D. Lauer situate in the City.
112-1929	12-31-1929	Providing an amicable settlement of damages and perfecting of the title of real estate of James C. Heist situate in Maidencreek Township.
21-1930	3-5-1930	Providing an amicable settlement of damages and perfecting of the title of real estate of Harry J. and Helen M. Shuman situate in Maidencreek Township.
22-1930	3-5-1930	Providing an amicable settlement of damages and perfecting of the title of real estate of Irwin H. and Jennie F. Ludgwig situate in Maidencreek Township.
29-1930	4-2-1930	Providing an amicable settlement of damages and perfecting of the title of real estate of Charles C. Snyder situate in Ontelaunee Township.
30-1930	4-9-1930	Providing an amicable settlement of damages and perfecting of the title of real estate of Ammon C. Lesher situate in the City.
32-1930	4-23-1930	Providing an amicable settlement of damages and perfecting of the title of real estate of Orlando F. Berger and Sallie Berger situate in Maidencreek Township.
36-1930	5-7-1930	Providing an amicable settlement of damages and perfecting of the title of real estate of Daniel P. Shurr situate in Maidencreek Township.
54-1930	7-9-1930	Providing an amicable settlement of damages and perfecting of the title of real estate of George W. Grubb situate in Maidencreek Township.
55-1930	7-9-1930	Providing an amicable settlement of damages and perfecting of the title of real estate of Irvin S. Kalbach situate in Maidencreek Township.
70-1930	9-3-1930	Executing a contract between the City and the Reading Company granting the City permission to use a strip of land near Lance Place under certain conditions.
85-1930	11-12-1930	Providing an amicable settlement of damages and perfecting of the title of real estate of Frank T. Heyde and Martha E. Heyde situate in Maidencreek Township.

Ord. No.	Date	Description
99-1930	12-17-1930	Providing an amicable settlement of damages and perfecting of the title of real estate of Frank Boylan, John Rhodes and Edward Wicklein situate in Maidencreek Township.
1-1931	1-21-1931	Purchasing real estate in the City from Reading Trust Company under the will of Samuel N. Potteiger, deceased, for parks and playground purposes.
5-1931	2-18-1931	Purchasing real estate in the City from Frederick H. and Mary R. Muhlenberg and Charles H. and Anna D. Muhlenberg for parks and playground purposes.
6-1931	1-28-1931	Purchasing real estate in the Township of Muhlenberg from the Muhlenberg Township School for watershed purposes.
11-1931	2-18-1931	Executing a contract between the City and the Reading Company for the City to use a certain strip of land.
13-1931	2-18-1931	Providing an amicable settlement of damages and perfecting of the title of real estate of Hannah I. Davies and Edward Davies situate in Ontelaunee Township.
23-1931	3-25-1931	Purchasing real estate in the City from Eureka Family Service Laundry and from John E. Yorgey, Samuel E. Yorgey and David O. Yorgey for municipal machine shop.
26-1931	4-1-1931	Purchasing real estate in the City from William E. Fisher for parks and playground purposes.
27-1931	4-1-1931	Providing an amicable settlement of damages and perfecting of the title of real estate of Lyle L. and Nellie P. Wagner situate in Maidencreek Township.
28-1931	4-8-1931	Purchasing real estate in the City from Rosa P. Eisenbrown for municipal machine shop purposes.
29-1931	4-8-1931	Purchasing real estate in the City from Sarah Rhoads for parks and playground purposes.
35-1931	5-6-1931	Providing an amicable settlement of damages and perfecting of the title of real estate of J.B. Lesher situate in Maidencreek Township.
57-1931	7-8-1931	Purchasing real estate in the Borough of Wyomissing from Ferdinand Thun for the use of the Bureau of Water.
69-1931	8-5-1931	Authorizing the construction of a fire house for the Friendship Fire Company.
70-1931	8-5-1931	Authorizing the construction of a field house and shelter, stormwater sewer, tennis courts and lighting equipment at the Eleventh and Pike Streets Playground; and a field house and comfort station at Sixth and Amity Streets Playground.

Ord. No.	Date	Description
73-1931	8-12-1931	Purchasing real estate in the City from Nicholas H. Muhlenberg, Frederinand H. Muhlenberg and Charles H. Muhlenberg, Trustees, for the use of the Bureau of Highways.
74-1931	8-19-1931	Providing an amicable settlement of damages and the perfecting of title in the City of real estate of Charles Evans Cemetery Company, situate in the City.
75-1931	8-19-1931	Purchasing real estate in the City from Minnie T. Nicolls and Reading Trust Company, Trustees for Frederick W. Nicolls, deceased, for street and playground purposes.
76-1931	12-23-1931	Executing a lease for the rental of the premises known as Tower Hotel Property, from Adalbert Malusecki, including an option to purchase.
87-1931	10-7-1931	Purchasing real estate in the City from the Charles S. Summers Estate for park and playground purposes.
96-1931	10-21-1931	Purchasing real estate in the City from Alice Wanner for the use of the Bureau of Highways.
98-1931	11-10-1931	Amending Ord. No. 96-1931.
100-1931	11-10-1931	Conveying to Annie M. Kalbach Fry of premises consisting of Lot No. 22, Block 12, on the west side of Butler Street.
102-1931	11-18-1931	Authorizing the construction of a mechanical building provided with gas utilization, compressed air and digestor heating equipment at sewage treatment works.
103-1931	11-18-1931	Authorizing the construction of a laboratory, lavatory and office building at sewage treatment works.
118-1931	12-23-1931	Purchasing real estate in the City from the Berks County Real Estate Company for street, park and playground purposes.
119-1931	12-20-1931	Providing an amicable settlement of damages and perfecting of title of real estate owned by Mary G. Kerling, situate in Maidencreek Township.
120-1931	1-6-1932	Providing an amicable settlement of damages and perfecting of title of real estate owned by Harry A. Phillips, situate in Maidencreek Township.
19-1932	4-6-1932	Appropriating and condemning real estate of Marie Rhein, situate in Lower Alsace Township, for watershed and park purposes.
20-1932	4-6-1932	Appropriating and condemning real estate of Joseph Bloch and Lucien Bloch, situate in Lower Alsace Township, for watershed and park purposes.

Ord. No.	Date	Description
24-1932	4-13-1932	Appropriating and condemning real estate of William W. Miller, situate in Lower Alsace Township, for watershed and park purposes.
25-1932	4-13-1932	Appropriating and condemning real estate of Joseph Franz, situate in Lower Alsace Township, for watershed and park purposes.
26-1932	4-13-1932	Appropriating and condemning real estate of Ruppert Bechtel, situate in Lower Alsace Township, for watershed and park purposes.
28-1932	4-13-1932	Appropriating and condemning real estate of Tobias Knoblauch, situate in Lower Alsace Township, for watershed and park purposes.
29-1932	4-13-1932	Appropriating and condemning real estate of Mary T. Roeper, situate in Lower Alsace Township, for watershed and park purposes.
32-1932	4-20-1932	Appropriating and condemning real estate of Labert Bennethum, situate in the City, for watershed and park purposes.
33-1932	4-20-1932	Appropriating and condemning real estate of City Realty Insurance Experts, Inc., situate in Lower Alsace Township, for watershed and park purposes.
47-1932	6-15-1932	Appropriating and condemning real estate of George J. Kiedeisch, situate in Lower Alsace Township, for watershed and park purposes.
48-1932	6-15-1932	Repealed by Ord. No. 22-1965.
49-1932	6-15-1932	Appropriating and condemning real estate of George J. Kiedeisch, et al., situate partly in Lower Alsace Township and partly in the City, for watershed and park purposes.
5-1933	5-17-1933	Providing an amicable settlement of damages and perfecting of title of real estate owned by William and Clara E. Grieshaber, situate in Maidencreek Township.
11-1933	5-17-1933	Appropriating and condemning real estate of Caroline M. Nagle and Margaret Nor Dell, situate in Lower Alsace Township and partly in the City, for watershed and park purposes.
14-1933	6-7-1933	Providing an amicable settlement of damages and perfecting of title of real estate owned by Calvin O. Berndt and Katie Alice Berndt, situate in Maidencreek Township.
15-1933	6-7-1933	Providing an amicable settlement of damages and perfecting of title of real estate owned by Katie Alice Berndt, situate in Maidencreek Township.

Ord. No.	Date	Description
16-1933	6-7-1933	Providing an amicable settlement of damages and perfecting of title of real estate owned by Calvin O. Berndt, situate in Maidencreek Township.
17-1933	6-14-1933	Accepting the gift of three tracts of land located in Lower Alsace Township from Henry Janssen and Wilhelmina Janssen for park, playground and recreational purposes.
21-1933	7-5-1933	Purchasing real estate in Lower Alsace Township from Adalbert Malusecki for park purposes.
26-1933	8-9-1933	Appropriating and condemning real estate of Daniel B. Shepp, et al., situate in Alsace Township, for watershed and park purposes.
28-1933	8-16-1933	Appropriating and condemning real estate of Caroline M. Nagle, and Margaret Nor Dell, situate in Lower Alsace Township, for watershed and park purposes.
29-1933	8-16-1933	Providing an amicable settlement of damages and perfecting of title of real estate owned by City Realty Insurance Experts, Inc., situate in Lower Alsace Township.
34-1933	8-16-1933	Providing an amicable settlement of damages and perfecting of title of real estate owned by Annie E. Adam, et al., situate in Maidencreek Township.
38-1933	9-13-1933	Providing an amicable settlement of damages and perfecting of title of real estate owned by Caroline M. Nagle, and Margaret Nor Dell, situate in Lower Alsace Township.
45-1933	11-8-1933	Accepting the gift of a tract of land located partly in Alsace Township and partly in Lower Alsace Township, from Daniel W. Dietrich and H. Richard Dietrich, for park, playground and recreational purposes.
46-1933	11-29-1933	Purchasing real estate in the City from Morris H. Eshbach and Elsie M. Eshbach et al., for street, park and playground purposes.
47-1933	11-29-1933	Purchasing real estate in the City from Joseph F. Regenfuse and Mary Regenfuse for street, park and playground purposes.
6-1934	2-7-1934	Appropriating and condemning a portion of real estate of Allentown Portland Cement Company, situate in Maidencreek Township, for the use of the Bureau of Water.
8-1934	2-14-1934	Appropriating and condemning real estate of Daniel B. Wentzel, situate in Lower Alsace Township, for watershed and park purposes.

Ord. No.	Date	Description
9-1934	2-14-1933	Appropriating and condemning real estate of Peter B. Olinger and Stella M. Olinger, situate on Penn's Mount (being Lot No. 60 on the General Plan of Manor of Penn's Mount) in Lower Alsace Township, for watershed and park purposes.
10-1934	2-14-1934	Appropriating and condemning real estate of E. John Feindt, situate in Lower Alsace Township, for watershed and park purposes.
13-1934	2-28-1934	Appropriating and condemning real estate of Charles R. Crum, et al., situate on the east slope of Mount Penn, being part of Lot No. 65 in the General Plan of the Manor of Penn's Mount, in Lower Alsace Township, for watershed and park purposes.
14-1934	2-28-1934	Appropriating and condemning real estate of Peter J. Spuhler, situate on the northern side of the Antietam Lake Road, in Lower Alsace Township, for watershed and park purposes.
21-1934	3-31-1934	Appropriating and condemning a portion of real estate of Levi R. Keller, situate in Perry Township, for the use of the Bureau of Water.
22-1934	4-11-1934	Purchasing real estate situate in Lower Alsace Township of the estate of Nicholas A. Felix for watershed and park purposes.
31-1934	5-23-1934	Purchasing real estate in the City from Annie E. Moser for street, park and playground purposes.
40-1934	6-27-1934	Selling premises formerly belonging to Joseph S. Regenfuse and Annie E. Moser, situate in Hampden Boulevard and North Thirteenth Street, to Vacuum Oil Company. Inc., for the sum of $9,000.
51-1934	8-1-1934	Selling premises formerly belonging to Joseph S. Regenfuse and Annie E. Moser, situate in Hampden Boulevard and North Thirteenth Street, to Second-Vacuum Oil Company, Inc., for the sum of $9,000.
54-1934	8-8-1934	Signifying the consent for the acquisition of property in the Eighteenth Ward by the Borough of West Reading for the purpose of making, enlarging and maintaining public parks, park ways and playgrounds, play fields, swimming pools, public baths, bathing places, indoor recreation centers and gymnasiums.
63-1934	9-12-1934	Appropriating and condemning a portion of real estate of Carrie J. H. Parvin, situate in Ontelaunee Township, for the use of the Bureau of Water.

Ord. No.	Date	Description
64-1934	9-12-1934	Appropriating and condemning a portion of real estate of the Angelica Water and Ice Company, situate in Cumru Township, for the use of the Bureau of Water.
65-1934	9-19-1934	Accepting the gift of a tract of land located in the Eighteenth Ward, from Edmund Schlegel and Mary M. Schlegel, et al., for park, playground and recreational purposes.
81-1934	11-21-1934	Appropriating and condemning a portion of real estate of William Willite, situate in Maidencreek Township, for the use of the Bureau of Water.
82-1934	11-21-1934	Appropriating and condemning a portion of real estate of Sailer Lauer and Irene M. Lauer, et al., situate in Maidencreek Township, for the use of the Bureau of Water.
84-1934	12-5-1934	Purchasing real estate situate in Lower Alsace Township from William McIlvain and Elizabeth B. McIlvain, for watershed and park purposes.
5-1935	1-30-1935	Providing an amicable settlement of damages and perfecting of title of real estate owned by Allentown Portland Cement Company, situate in Maidencreek Township; and appropriating and condemning real estate in the City of 36.1 acres, and purchasing an additional tract adjacent to the condemned tract comprising 3.5 acres.
11-1935	3-20-1935	Appropriating and condemning real estate of Charles D. Stetzler and Elsie S. Stetzler. situate in Perry Township, for the use of the Bureau of Water.
12-1935	3-20-1935	Appropriating and condemning real estate of Amos R. Esterly and Missouri Esterly, situate in Perry Township, for the use of the Bureau of Water.
13-1935	3-20-1935	Appropriating and condemning real estate of Clarence R. Esterly and Florence Esterly, situate in Perry Township, for the use of the Bureau of Water.
14-1935	3-20-1935	Appropriating and condemning real estate of Annie B. Stoudt, situate in Perry Township, for the use of the Bureau of Water.
15-1935	3-20-1935	Appropriating and condemning real estate of James M. Laucks, situate in Perry Township, for the use of the Bureau of Water.
16-1935	3-20-1935	Appropriating and condemning real estate of Edna Neider, situate in Perry Township, for the use of the Bureau of Water.
17-1935	3-20-1935	Appropriating and condemning real estate of Daniel P. Musket and Elsie E. Musket, situate in Perry Township, for the use of the Bureau of Water.

Ord. No.	Date	Description
18-1935	3-20-1935	Appropriating and condemning real estate of William F. Moyer, situate in Perry Township, for the use of the Bureau of Water.
19-1935	3-20-1935	Appropriating and condemning real estate of Harry J. Shuman and Helen M. Shuman, situate in Perry Township, for the use of the Bureau of Water.
20-1935	3-20-1935	Appropriating and condemning real estate of Elmer E. Balthaser and Grace Balthaser, situate in Perry Township, for the use of the Bureau of Water.
21-1935	3-20-1935	Appropriating and condemning real estate of Irwin H. Ludwig and Jennie F. Ludwig, situate in Perry Township, for the use of the Bureau of Water.
26-1935	5-22-1935	Purchasing real estate in the City from the estate of William A. Sharp, for use of the Department of Parks and Public Property.
30-1935	6-5-1935	Executing lease between the City and the Reading Council of Boy Scouts of America, for a tract of land situate on Mount Penn, and known as the Marie Rhein Tract, for a Boy Scout camp.
40-1935	9-7-1935	Appropriating and condemning real estate of the estate of William A. Sharp, situate in the City, for the use of the Department of Parks and Public Property.
49-1935	10-30-1935	Appropriating and condemning real estate of Rebecca Goodhart, situate in Lower Alsace Township, for watershed and park purposes.
48-1935	10-23-1935	Purchasing real estate situate in Perry Township from Amos R. Esterly and Missouri Esterly, for use of the Bureau of Water.
59-1935	12-11-1935	Assigning the property known as Egelman Reservoir to the use of the Bureau of Parks, Department of Parks and Public Property.
60-1935	12-11-1935	Executing a contract between the City and Standard Investments Corporation to purchase real estate in Lower Alsace Township for the sum of $800.
61-1935	12-18-1935	Accepting from Melvin H. Nuss an assignment of his right, title and interest in and to an option to purchase real estate, situate in Bern Township, from Wayne L. Shearer.
67-1935	12-18-1935	Appropriating and condemning real estate of Farmers National Bank and Trust Company, testamentary trustee of Katie N. Althouse, under the will of Adam T. Althouse, situate in Bern Township, for the purpose of establishing and maintaining a municipal airdrome and/or aviation landing field.

Ord. No.	Date	Description
9-1936	2-24-1936	Appropriating and condemning real estate of Charles L. Oaks and Laura C. Oaks. situate in Bern Township, for the purpose of establishing and maintaining a municipal airdrome or aviation landing field.
10-1936	2-24-1936	Appropriating and condemning real estate of Farmers National Bank and Trust Company, testamentary trustee of Katie N. Althouse, under the will of Adam T. Althouse, situate in Bern Township, for the purpose of establishing and maintaining a municipal airdrome or aviation landing field.
11-1936	2-24-1936	Purchasing real estate situate in Bern Township from Wayne L. Shearer, for the purpose of establishing and maintaining a municipal airdrome or aviation landing field.
16-1936	2-24-1936	Purchasing real estate situate in Lower Alsace Township from Standard Investments Corporation, for watershed and park purposes.
24-1936	4-15-1936	Designating and reserving as a game refuge and bird sanctuary lands of the City adjacent to Ontelaunee Lake, and as nursery waters a portion of Maidencreek bounded by lands of the City.
36-1936	8-12-1936	Executing a contract between the City and the Reading Trust Company providing for the purchase of two tracts of real estate situate in Lower Alsace Township.
46-1936	10-6-1936	Executing a contract with the Board of Game Commissioners of the Commonwealth of Pennsylvania for the leasing of the Maidencreek Watershed Area to said Commission as an auxiliary game refuge, for the consideration of $1 for the period of one year.
47-1936	10-7-1936	Purchasing and installing a truck platform scale at municipal asphalt plant.
53-1936	10-6-1936	Authorizing the immediate payment of the City's obligation to purchase the plant and franchises of the Angelica Water and Ice Company.
59-1936	10-17-1936	Executing an agreement with the Board of Game Commissioners of the Commonwealth of Pennsylvania for the leasing of the Maidencreek Watershed Area to said Commission as an auxiliary game refuge, for the consideration of $1 for the period of 10 years.
67-1936	10-21-1936	Purchasing two tracts of real estate situate in Lower Alsace Township from the Reading Trust Company, for watershed and park purposes.
68-1936	10-21-1936	Purchasing real estate situate in Lower Alsace Township from John C. Crum and Charles R. Crum, executors under the will of John W. G. Crum, for watershed and park purposes.

Ord. No.	Date	Description
69-1936	10-21-1936	Purchasing real estate situate in Lower Alsace Township from Alice Geis, et al., for watershed and park purposes.
84-1936	12-2-1936	Executing a contract between the City and the executors of the last will and testament of William Sharp and George A. Ravel for the purchase of real estate situate on the west side of South Fifteenth Street for the sum of $2,000.
85-1936	12-2-1936	Submitting an offer of $4,500 to George D. Snyder, Trustee of Charles H. Schlegel, Bankrupt estate, to purchase three tracts of real estate, situate on the south side of Fairview Street, between Fourteenth Street and Fifteenth Street.
89-1936	12-23-1936	Purchasing a tract of real estate situate in Lower Alsace Township from Clara Kutz, wife of Ira G. Kutz, for watershed and park purposes.
2-1937	2-24-1937	Appropriating and condemning real estate of Emma L. Miller, deceased, William H. Calvert, Administrator C.T.A., situate on the western side of South Fourteenth and One-Half Street, south of Fairview Street, for park, playground and other public purposes.
3-1937	2-24-1937	Appropriating and condemning real estate of Jennie Knoblauch, wife of Tobias Knoblauch, situate on the eastern side of South Fourteenth and One-Half Street, south of Fairview Street, for park, playground and other public purposes.
4-1937	2-24-1937	Appropriating and condemning real estate of Emma L. Boyer, situate on the eastern side of South Fourteenth and One-Half Street, south of Fairview Street, for park, playground and other public purposes.
5-1937	2-24-1937	Appropriating and condemning real estate of Clara S. Baer Boyer, situate on the eastern side of South Fourteenth and One-Half Street, south of Fairview Street, for park, playground and other public purposes.
6-1937	2-24-1937	Appropriating and condemning real estate of executors of the last will and testament of William Sharp and George A. Ravel, situate on the western side of South Fifteenth Street, south of Fairview Street, for park, playground and other public purposes.
13-1937	4-7-1937	Appropriating and condemning real estate of Penn Wrecking Company, Inc., located between Pennsylvania Avenue, East Wyomissing Boulevard and Brookline Street, in the Eighteenth Ward of the City, for park, playground and other public purposes.

Ord. No.	Date	Description
14-1937	4-7-1937	Appropriating and condemning real estate of Morris Knoblauch and Bessie Knoblauch, and Philip Knoblauch and Rosie Knoblauch, being the northwest corner of East Wyomissing Boulevard and Brookline Street, in the Eighteenth Ward of the City, for park, playground and other public purposes.
37-1937	7-7-1937	Purchasing real estate situate partly in the City and partly in Lower Alsace Township from George Kiedelsch, et al., for watershed, park and other public purposes.
46-1937	8-4-1937	Purchasing real estate situate on the northern side of Antietam Lake Road, in Lower Alsace Township, from Peter J. Spuhler and Lillian M. Spuhler, for watershed, park and other public purposes.
47-1937	8-11-1937	Purchasing real estate on the south side of Fairview Street, between Fourteenth Street and Fifteenth Street, from George D. Snyder, Trustee of Charles H. Schlegel, bankrupt estate, for park, playground and other public purposes.
49-1937	8-18-1937	Purchasing real estate situate in Lower Alsace Township from Daniel B. Wentzel, for watershed, park and other public purposes.
51-1937	9-8-1937	Purchasing real estate situate in Ontelaunee Township from Carrie J. H. Parvin, for watershed, park and other public purposes.
61-1937	10-20-1937	Purchasing real estate situate on the eastern side of South Third Street south of Pine Street, from Paul B. Hendel, for park, playground and other public purposes.
63-1937	10-27-1937	Purchasing real estate situate on the southwest corner of Front Street and Schiller Street, from Berks County Trust Company for park, playground and other public purposes.
10-1938	4-20-1938	Purchasing real estate situate in Lower Alsace Township from Rebecca Goodhart, for watershed and park purposes.
17-1938	6-1-1938	Purchasing real estate situate on the eastern side of South Fourteenth and One-Half Street, south of Fairview Street, from Emma L. Boyer, for park, playground and other public purposes.
18-1938	6-1-1938	Purchasing real estate situate on the eastern side of South Fourteenth and One-Half Street, south of Fairview Street, from Clara S. Barr, for park, playground and other public purposes.
40-1938	8-31-1938	Purchasing real estate situate in Lower Alsace Township from Joseph Franz, for watershed, park and other public purposes.

Ord. No.	Date	Description
57-1938	11-30-1938	Purchasing real estate situate at the southwest corner of Nicolls Street and Windsor Street, from Socony-Vacuum Oil Company, for storage yard and other public purposes.
61-1938	12-21-1938	Appropriating and condemning real estate of Emma H. Horst and A. Caroline Horst Sullivan, trustees under the last will and testament of George D. Horst, situate in Lower Alsace Township, for the purpose of constructing an observation tower and for park and other public purposes.
62-1938	12-21-1938	Authorizing the sale of 1004 Hampden Boulevard to Frank W. Satterthwaite for the sum of $1,963.
7-1940	1-31-1940	Purchasing real estate situate on the east side of South Seventeenth Street, South of Highland Street, from the Reading Trust Company for standpipe and other public purposes.
8-1940	1-31-1940	Purchasing real estate situate along Neversink Mt. Railway, east of South Seventeenth Street, from George W. and Mary R. Green for standpipe and other public purposes.
60-1940	12-24-1940	Purchasing real estate situate in Lower Alsace Township from George J. Kiedeisch for watershed and park purposes.
3-1941	1-22-1941	Authorizing execution of easement by City to Metropolitan Edison Company over lands owned by City in the Borough of Wyomissing.
4-1941	1-22-1941	Purchasing real estate situate in Richmond Township from Earl Sheble for watershed purposes.
5-1941	1-22-1941	Purchasing real estate situate partly in Richmond and Perry Townships, from R. Willard Baer, for watershed purposes.
6-1941	1-22-1941	Purchasing real estate situate partly in Lavale, Maidencreek Township, from Earle I. Koch, for watershed purposes.
13-1941	4-30-1941	Appropriating and condemning real estate of the Reading Trust Company for the purpose of establishing and maintaining a municipal airdrome or aviation landing field.
14-1941	4-30-1941	Appropriating and condemning real estate of Herbert W. S. Gehrke, situate in Bern Township, for the purpose of establishing and maintaining a municipal airdrome or aviation landing field.
15-1941	4-23-1941	Authorizing execution of easement by City to Metropolitan Edison Company over lands owned by the City in the Township of Muhlenberg.
17-1941	4-30-1941	Appropriating and condemning real estate of George E. Henry and George J. Schindlebeck, situate in Bern Township, for the purpose of establishing and maintaining a municipal airdrome or aviation landing field.
21-1941	5-28-1941	Amending Ord. No. 65-1934.

Ord. No.	Date	Description
36-1941	7-30-1941	Purchasing real estate situate in Bern Township, from Melvin H. Nuss, for the purpose of obtaining fill necessary for constructing a proposed extension to "C" Runway at the Reading Municipal Airport.
77-1941	12-24-1941	Purchasing real estate situate in Lower Alsace Township, from Rudy Reitz. for watershed purposes.
9-1942	4-1-1942	Execution of supplemental agreement with the Pennsylvania Game Commission providing for the revision of acreage and extension of the area under the terms of the lease relative to the auxiliary State Game Refuge on the Maidencreek Watershed, for the period ending October 19, 1946.
12-1942	4-22-1942	Purchasing real estate situate on the south side of Spring Street between Reading Company Railroad and North Eighth Street, from the Ernst Epp Estate, for the purpose of the relief of the municipal scales at the asphalt plant.
19-1942	6-17-1942	Authorizing the settlement of damages due Esther P. Rothermel Estate due to the taking of certain land in Maidencreek Township for watershed purposes.
20-1942	6-17-1942	Authorizing the sale of real estate situate in the Borough of Kenhorst, a vacant lot known as Lot Numbers 381 and 382, to Mr. Charles M. Vickery.
21-1942	6-24-1942	Authorizing the purchase of real estate situate in Bern Township, from the estate of George E. Henry, for the purpose of establishing and maintaining a municipal airdrome and aviation landing field.
25-1942	7-8-1942	Purchasing real estate situate in Maidencreek Township, from Harry P. Rothermel, for watershed purposes.
37-1942	10-6-1942	Purchasing real estate situate in Bern Township, from Allan M. Cullum and Kathyrn R. Cullum, and Samual G. King and Grace King, for the purpose of establishing and maintaining a municipal airdrome and aviation landing field.
15-1943	7-7-1943	Transferring Deed Lot No. 34 in Block No. 12, located on the east side of Carbon Street between Columbia and Lehigh Avenues, from the City of Reading to Warren Schuler and Forence E. Schuler.
10-1944	4-19-1944	Authorizing the sale of real estate situate in the Bern Township to Leo C. Knoblauch.
21-1944	8-23-1944	Authorizing the sale of real estate situate in the City, a vacant lot known as 509 South Tenth Street, to Harry J. Miller, Jr.
8-1945	4-25-1945	Execution of agreement for the granting of an easement by the City to Metropolitan Edison Company over lands owned by the City at the Maidencreek Pumping Station in Ontelaunee Township.

Ord. No.	Date	Description
11-1946	3-6-1946	Condemning the real estate of Sallie R. Yerger and J. Authur Yerger, situate in Bern Township, for the purpose of erecting and maintaining instrument landing facilities to be used in connection with the operation of the Reading Municipal Airport.
12-1946	3-6-1946	Condemning the real estate of Daniel Pauley and Hannah Pauley, situate in Bern Township, for the purpose of erecting and maintaining instrument landing facilities to be used in connection with the operation of the Reading Municipal Airport.
13-1946	3-6-1946	Condemning the real estate of Wayne Keller and Sallie Keller, situate in Bern Township, for the purpose of erecting and maintaining instrument landing facilities to be used in connection with the operation of the Reading Municipal Airport.
14-1946	3-6-1946	Condemning the real estate of Katie L. Knoll, situate in Bern Township, for the purpose of erecting and maintaining instrument landing facilities to be used in connection with the operation of the Reading Municipal Airport.
19-1946	3-20-1946	Purchasing real estate situate in Cumru Township, from Clint C. Ebert and Miriam E. Ebert, for the purpose of erecting and maintaining instrument landing facilities to be used in connection with the operation of the Reading Municipal Airport.
21-1946	3-20-1946	Purchasing real estate situate in Bern Township, from Harry J. O'Neill and Anna O'Neill, for the purpose of erecting and maintaining instrument landing facilities to be used in connection with the operation of the Reading Municipal Airport.
22-1946	3-20-1946	Purchasing real estate situate in Bern Township, from Ida DeMaio, for the purpose of erecting and maintaining instrument landing facilities to be used in connection with the operation of the Reading Municipal Airport.
28-1946	4-17-1946	Purchasing playground lot in the City known as 124, 126 and 126 1/2 Franklin Street and 127, 129, 131 and 311 Grape Street, from the Berks County Trust Company, for playground and other public purposes, for the sum of $1,900.
39-1946	8-7-1946	Execution of agreement for the granting of an easement by the City to Metropolitan Edison Company over lands owned by the City at the Maidencreek Pumping Station in Ontelaunee Township.
52-1946	10-16-1946	Execution of agreement with the Pennsylvania Game Commission providing for the leasing of the Maidencreek Watershed Area to said Commission as an auxiliary game refuge, for $1 for a period of five years.

Ord. No.	Date	Description
15-1947	6-4-1947	Purchasing real estate situate in Bern Township, from the estate of G. Howard Bright, for the purpose of erecting and maintaining instrument landing facilities to be used in connection with the operation of the Reading Municipal Airport.
16-1947	6-25-1947	Condemning the real estate of City Bank and Trust Company, Trustee of Stanley Hendel, situate in the City, for the purpose of constructing and maintaining a public municipal memorial stadium.
19-1947	7-9-1947	Accepting offer of Walter G. Heim, made on behalf of the George K. Levan Estate, for the purchase of 12 acres, 55.4 perches of land located on the western slope of Mt. Penn, for the sum of $100 per acre.
27-1947	8-27-1947	Execution of agreement for the granting of an easement by the City to Susquehanna Pipe Line Company over lands owned by the City at the Antienam Lake property in Alsace Township.
48-1948	10-27-1948	Execution of agreement between the City and the Bell Telephone Company for the sale of a concrete manhole located in the northwest portion of the intersection of Washington and Cedar Streets in the City, which is owned and maintained by the City, to the Bell Telephone Company; and 19 poles on Schuylkill Avenue and on Buttonwood Street in the City, to the City, which is now owned and maintained by the Bell Telephone Company.
1-1949	1-26-1949	Accepting real estate in the City from Barbey Real Estate Company, for public park, public playground, and a place of public resort and recreational purposes, to be known as Barbey Playground.
8-1949	4-13-1949	Condemning the real estate of Valentine Blum, situate adjacent to Hampden Park, mainly in the Thirteenth Ward of the City and partly in Lower Alsace Township, for the use of the Bureau of Water.
54-1949	11-2-1949	Execution of agreement with the Pennsylvania Game Commission providing for the leasing of the Maidencreek Watershed Area to said Commission as a State Game Propagation Area, for $1, for a period of one year and renewal thereof from year to year.
8-1951	3-28-1951	Condemning the real estate of Aura May Gehris and Ruth E. Dohner, situate within the Fourteenth Ward of the City, for the use of the Department of Parks and Public Property, as a public playground.

Ord. No.	Date	Description
9-1951	3-28-1951	Condemning the real estate of Sam Cohen and Yetta Cohen, situate within the Fourteenth Ward of the City, for the use of the Department of Parks and Public Property, as a public playground.
10-1951	3-28-1951	Condemning the real estate of Tobias Knoblauch and Jennie Knoblauch, situate within the Fourteenth Ward of the City, for the use of the Department of Parks and Public Property, as a public playground.
11-1951	3-28-1951	Condemning the real estate of Joseph M. Liever, situate within the Fourteenth Ward of the City, for the use of the Department of Parks and Public Property, as a public playground.
12-1951	3-28-1951	Condemning the real estate of Frederick M. Christman, situate within the Fourteenth Ward of the City, for the use of the Department of Parks and Public Property, as a public playground.
13-1951	3-28-1951	Condemning the real estate of Howard C. Faust and Ellenora E. Faust, situate within the Fourteenth Ward of the City, for the use of the Department of Parks and Public Property, as a public playground.
14-1951	3-28-1951	Condemning the real estate of Franklin E. Kantner, situate within the Fourteenth Ward of the City, for the use of the Department of Parks and Public Property, as a public playground.
6-1953	3-4-1953	Purchasing land situate on Eckert Street, between West Douglass Street and West Windsor Streets, for the sum of $1,800, for public purposes.
9-1953	5-6-1953	Purchasing land situate on the northwest corner of Upland Avenue, and Crestment Street, known as 301 Upland Avenue, for the sum of $2,700, from Daniel Damato and Esther E. Damato.
13-1954	3-17-1954	Purchasing certain land, which is a portion of the Schuylkill Canal, within the City, from the Commonwealth of Pennsylvania, for the sum of $3,000.
33-1954	7-7-1954	Amending Ord. No. 27-1947.
40-1954	10-7-1954	Condemning a temporary right-of-way over property of Jacob Ebling, situate in Muhlenberg Township, for the purpose of making certain test borings, to determine rock elevations along the possible route of the proposed Northwest Pumping Main of the City.
41-1954	10-13-1954	Purchasing real estate situate on the east side of North Fifth Street between Amity Street and Union Street in the City, from Charles E. Nawa and Catharine M. Nawa, for public playground purposes.

Ord. No.	Date	Description
49-1954	12-1-1954	Approving the proposed action of Reading Parking Authority to acquire and construct certain parking lots, authorizing the executing and delivery of a lease by the City as Lessee of the parking lots hereafter to be acquired by, the Authority, to said Authority as Lessor, and the payment of rental thereunder; and in connection with parking lot project of Authority, undertake the acquisition, by the City, through condemnation proceedings or otherwise of certain real estate along the south side of Cherry Street.
14-1955	5-18-1955	Purchasing of premises 146 North Front Street and Lot No. 31 known as 144 North Front Street, from Joseph Tidona and Jennie Tidona, for the purpose of opening West Walnut Street between Front Street and Schuylkill Avenue within the City.
18-1955	6-8-1955	Purchasing of premises 150 North Front Street from Harold A. Young and Sarah R. Young, for the purpose of opening West Walnut Street between Front Street and Schuylkill Avenue within the City.
20-1955	6-15-1955	Purchasing of premises 123 Schuylkill Avenue from Berks County Trust Company, for the purpose of opening West Walnut Street between Front Street and Schuylkill Avenue within the City.
21-1955	6-15-1955	Purchasing of premises 125 Schuylkill Avenue from Walter D. Huey, for the purpose of opening West Walnut Street between Front Street and Schuylkill Avenue within the City.
22-1955	6-15-1955	Purchasing of premises 127 Schuylkill Avenue from Dorothy M. Smith, for the purpose of opening West Walnut Street between Front Street and Schuylkill Avenue within the City.
27-1955	6-29-1955	Condemning a right-of-way over, across, under and through real estate of Harry D. Whitner Estate, in Muhlenberg Township, for the purpose of laying, constructing, establishing and maintaining a pipe line being a part of the Northwest Pumping Main of the water supply and distribution system of the City.
28-1955	6-29-1955	Condemning a right-of-way over, across, under and through real estate of John C. M. Bemesderfer and Mary H. Bemesderfer, situate in Bern Township, for the purpose of laying, constructing, establishing and maintaining a pipe line being a part of the Northwest Pumping Main of the water supply and distribution system of the City.

Ord. No.	Date	Description
29-1955	6-29-1955	Condemning a right-of-way over, across, under and through real estate of Russell F. Werner, situate in Bern Township, for the purpose of laying, constructing, establishing and maintaining a pipe line being a part of the Northwest Pumping Main of the water supply and distribution system of the City.
42-1955	9-21-1955	Purchasing real estate situate on the south side of Ventnor Avenue between Ardsley Street and Berkley Street, being Lots Nos. 202 and 203, in Bern Township, from George L. Moore and Carrie L. Moore, for the purpose of laying, constructing, establishing and maintaining a pipe line being part of the thirty-inch pumping transmission line, from the Maidencreek Pumping Station to the Northwest Reservoir of the City.
66-1955	12-28-1955	Condemning real estate of Adam Fisher and Minnie A. Fisher, situate within Bern Township, for use of the Department of Parks and Public Property in connection with the construction of the Northwest Reservoir of the Water Bureau.
65-1956	1-25-1956	Condemning certain rights-of-way over and across certain real estate owned by Henry A. Gantert and Isavle M. Gantert, for the use of the Department of Streets and Public Improvements in order to carry out the terms and provisions of Ord. No. 9-1955.
5-1957	1-16-1957	Condemning real estate of the estate of Caroline Archer, situate within Cumru Township, for the use of the Department of Public Affairs, for the extension of the sewage treatment works of the City.
28-1957	7-10-1957	Transferring from the City to the Reading Municipal Airport Authority of all real estate and personal property used in the operation of the General Carl A. Spaatz Field, Reading Municipal Airport.
32-1957	9-4-1957	Condemning real estate of Hettie C. Martin, Sallie A. Weber, Helen M. Gundry, Sarah Loretta Shuker, Charles E. Shuker, Alma L. Otto, John J. Shuker and Bertha B. Shuker, Raymond D. Shuker and Ruth C. Shuker, Sylvanius L. Shuker, H. Kathryn Bauer, Robert H. Shuker and Margaret M. Shuker and E. Clinton Weber, Attorney in Fact for all the owners, situate in Muhlenberg Township, for the use of the Department of Public Safety, as a public playground.
21-1959	10-14-1959	Repealing Ord. No. 24-1932.

Ord. No.	Date	Description
15-1960	3-23-1960	Approving an agreement between the City, Cumru Township and Cumru Township Authority, providing for the sharing of cost of a certain sanitary sewage collection trunk line to be constructed by Cumru Township Authority in the Eighteenth Ward of the City, as shown on Plan B-2746-1-A, and granting to Cumru Township Authority and to the Township of Cumru a perpetual fifteen-foot-wide right-of-way and an additional twenty-foot temporary construction right-of-way, in, over and under such portion of such land shown on the aforesaid plan, which are owned by the City or are included in any City street or right-of-way.
16-1960	4-20-1960	Granting to Muhlenberg Township Authority certain rights-of-way over and across lands owned by the City as set forth in plan of Gannett, Fleming, Corddry and Carpenter, Inc., registered professional engineers, as revised April 5, 1960.
14-1961	7-5-1961	Condemning real estate of Edgar G. Zeller and Mabel W. Zeller, situate on Orrton Avenue in the Eighteenth Ward of the City, for the use of the Department of Streets and Public Improvements, for an easement over and across said real estate, for the installation thereon of a sanitary sewer collection line of the City.
24-1961	9-20-1961	Execution of a lease by and between the Reading Parking Authority, as lessor, and the City, as lessee, for a municipal off-street parking facility to be erected by the Authority between South Seventh Street, South Eighth Street, Cherry Street and Franklin Street in the City.
14-1962	5-16-1962	Authorizing expenditure of a sum not to exceed $200 for the purchase of underwater diving equipment for underwater rescue work by the Bureau of Police.
4-1964	1-15-1964	Purchasing real estate situate on the western side of Neversink Alley opposite McIllvain Street (being House No. 746 Neversink Alley), from Max Tomezyk, for use of the Bureau of Recreation, Department of Public Affairs.
31-1964	9-23-1964	Purchasing real estate situate on the eastern side of Pearl Street between Laurel and Willow Streets and numbered 521-535 Pearl Street, from the Slovak Catholic Sokol Home Association, for use of the Bureau of Recreation, Department of Public Affairs.
22-1965	4-7-1965	Repealing Ord. No. 48-1932.
13-1970	3-11-1970	Selecting and appropriating certain lands situate in the Eighteenth Ward of the City, for park and recreational purposes.
14-1970	3-11-1970	Selecting and appropriating certain lands situate in the Eighteenth Ward of the City, for park and recreational purposes.

Ord. No.	Date	Description
22-1970	5-13-1970	Approving the award by the Reading Parking Authority of certain contracts in connection with the construction of a multilevel parking structure and facilities at its property.
57-1970	12-23-1970	Approving the surrender of certain leases heretofore entered into between the Reading Parking Authority and the City.
17-1971	4-14-1971	Approving the acquisition of certain lands and the payment of certain design fees by the Reading Parking Authority and approving the award of certain contracts in connection with the construction of a multilevel parking structure and facilities.
25-1972	5-24-1972	Execution of an amendment of lease for facilities located at Fourth and Cherry Streets and Plum and Franklin Streets, together with the parking structures erected thereon.
33-1975	7-30-1975	Selecting and appropriating of an easement in certain lands situate in the Eighteenth Ward of the City for the installation of storm sewers.
52-1977	1-5-1977	Selecting and appropriating of an easement in certain lands situate in the Eighteenth Ward of the City for the installation of storm sewers.
43-1977	10-12-1977	Selecting and appropriating certain tracks of land, with the buildings and improvements erected thereon, situate in the Sixth Ward of the City, for the purpose of installing and maintaining a public right-of-way over and across said premises.
24-1980	4-30-1980	The supplemental appropriation for the payment of the City's mortgage obligation to American Casualty Company, which shall be derived from sums received from Continental Casualty Company on a lease agreement for the premises situate at 412 Washington Street.
122-1990	10-3-1990	Authorizing the condemnation of certain lands in the City.
170-1990	11-21-1990	Authorizing and directing the sale of 816 Penn Street.
6-1991	1-23-1991	Authorizing and directing the sale of 445 Schuylkill Avenue.
18-1991	3-13-1991	Authorizing and directing the sale of 226 North Fourth Street.
90-1991	9-11-1991	Authorizing and directing the sale of 821 Schuylkill Avenue.

Ord. No.	Date	Description
46-2004	11-8-2004	Authorizing the Mayor and other officials to execute a deed from the City of Reading conveying a parcel of land being bounded on the west by the party wall between 422 and 424 Penn Street, on the north by Penn Street, on the east by Fifth Street, and on the south by Cherry Street and being 424-454 Penn Street and also 8-10-12 South Fifth Street, 16-18-20-22 South Fifth Street to Our City-Reading, Inc., so that said parcel can be developed by Our City-Reading, Inc., to lease the entire building to be built containing 120,257 square feet to Sovereign Bank for its operation center.
28-2005	3-28-2005	Authorizing the Mayor and other officials to execute a certificate of completion in recordable form when the City of Reading issues a certificate of occupancy for the building constructed on the property purchased from the City of Reading by Our City-Reading, Inc.
47-2005	8-25-2005	Authorizing the Mayor to take any and all steps necessary to purchase the property known as 970 Morgantown Road from Joseph Stajkowski for the amount of $225,000 for use by the City of Reading to construct laboratory facilities in connection with its Sanitary/Sewer Department.
61-2005	9-26-2005	Authorizing the Mayor to execute a deed from the City of Reading to the "Concerned Citizens of the Sixth Ward".
63-2005	10-24-2005	Authorizing the Mayor to execute a deed from the City of Reading to the Lobos Four, LLC, a Pennsylvania limited liability company.
66-2005	10-10-2005	Authorizing the Mayor to execute a deed from the City of Reading to the Reading Housing Authority, a municipal authority.
67-2005	10-24-2005	Authorizing the Mayor to execute deeds from the City of Reading to James P Halkias.
71-2005	10-24-2005	Authorizing the Mayor to execute a deed from the City of Reading to the Berks Area Reading Transportation Authority (BARTA).
76-2005	11-14-2005	Authorizing the Mayor to execute a deed from the City of Reading to the Reading Housing Authority, a municipal authority.
2-2006	1-9-2006	Authorizing the Mayor to execute any and all documents, agreements, and a deed from the City of Reading to the County of Berks for the conveyance of a parcel of land commonly known as the "Antietam Lake Property."
3-2006	1-23-2006	Authorizing the Mayor to execute a deed from the City of Reading to Douglas Miller, thereby conveying premises situate at 901 Hampden Boulevard, Reading, Berks County, Pennsylvania.

Ord. No.	Date	Description
12-2006	2-27-2006	Authorizing the Mayor to execute a deed from the City of Reading to the Reading Redevelopment Authority, thereby conveying premises situate at 207 1/2 North Third Street, Reading, Berks County, Pennsylvania.
13-2006	2-27-2006	Authorizing the Mayor to execute a deed from the City of Reading to the Reading Redevelopment Authority, thereby conveying premises situate at 840 Muhlenberg Street, Reading, Berks County, Pennsylvania.
14-2006	2-27-2006	Authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of premises known as the "Market House Property" from the South Reading Market Associates, LLC, a Pennsylvania limited liability company, to the City of Reading.
17-2006	2-27-2006	Authorizing the Mayor to execute any and all documents including, but not limited to, agreements of sale and deeds, thereby conveying premises described in the "Neversink Mountain Area" project.
19-2006	3-13-2006	Approving and authorizing the Mayor to execute an agreement of lease between the County of Berks and City of Reading for utilization of space for installation of communication equipment at Mt. Penn Tower and County Courthouse/Services Center.
73-2006	11-13-2006	Entering into an agreement with Elks Club Associates L.P. for the acquisition of the property situate at 46 South Sixth Street, Reading, Berks County, Pennsylvania.
87-2006	11-27-2006	Authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of premises known as the "Trexler Mansion" or the "Elks Club Property" (46 South Fifth Street, Reading, Berks County, Pennsylvania) from the City of Reading to Our City-Reading, Inc.
8-2007	1-22-2007	Authorizing the Mayor to take any and all actions necessary to purchase the property known as 946 Morgantown Road from Marlis Pritz and Robin Pritz for the amount of $125,000 and ratifying the action taken by the Mayor in executing the agreement of sale for said property in December 2006. Said property shall be utilized by the City of Reading to construct laboratory and administrative office facilities in connection with its Sanitary/Sewer Department.
32-2007	5-14-2007	Authorizing the Mayor to execute a deed from the City of Reading to Our City-Reading, Inc., thereby conveying premises situate at 328 Mulberry Street, Reading, Berks County, Pennsylvania.

Ord. No.	Date	Description
36-2007	5-29-2007	Authorizing the Mayor to execute the lease between the City of Reading and the Berks County Chapter of the Izaak Walton League of America for premises situate in the vicinity of Egelman's Dam.
40-2007	7-23-2007	Authorizing the sale of the property at 1117 Chester Street, Reading, Berks County, Pennsylvania, to Mr. John Weidner for the amount of $500.
43-2007	6-12-2007	Authorizing the Mayor to execute any and all documents required effectuating the transfer of ownership of premises known as 101 Lancaster Avenue, Reading, Berks County, PA, from the National Penn Bank to the City of Reading.
46-2007	6-25-2007	Authorizing the Mayor to execute the lease between the City of Reading and the Easter Seals of Eastern Pennsylvania for premises known as "Camp Lily."
47-2007	6-25-2007	Authorizing the Mayor to execute the lease between the City of Reading and Alvernia College for premises being a portion of Angelica Park.
50-2007	6-25-2007	Authorizing the Mayor to execute the lease between the City of Reading and Alvernia College for portions of buildings located on campus for the purpose of operating the Reading Police Academy.
51-2007	6-25-2007	Authorizing the conveyance of 1900 Centre Avenue to Colonial Electric Supply pursuant to the terms of the purchase and sales agreement.
62-2007	9-10-2007	Authorizing the Mayor to execute the lease between the City of Reading and Citizens Bank of Pennsylvania by extending the terms of the agreement for four additional five-year terms.
66-2007	9-10-2007	Authorizing the Mayor to execute an agreement between the City of Reading and Land Displays, Inc., to provide a twenty-year lease for an off-premises sign on City-owned property in exchange for the purchase and installation of a digital sign.
74-2007	10-8-2007	Authorization for the Mayor to execute any and all documents required to convey certain premises situate in the vicinity of the eastern side of North Third Street (between North Third and North Fourth Streets) and north of Buttonwood Street (between Buttonwood and Green Streets) in the City of Reading, Berks County, Pennsylvania, from the City of Reading to the Reading Redevelopment Authority.
84-2007	12-10-2007	Authorizing the Mayor to execute the condemnation settlement agreement for the parcel of land commonly known as the "Antietam Lake Property."

Ord. No.	Date	Description
18-2008	3-10-2008	Authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of premises known as 1019-1021 Penn Street, 1016, 1022 and 1028 Court Street, Reading, Berks County, PA, from St. Joseph Hospital to the City of Reading.
36-2008	5-12-2008	Authorizing the Mayor to execute an easement and right-of-way instrument between the City of Reading to Metropolitan Edison Company and located over a portion of premises known as Berks County, Alternate APN 18530616947572.
40-2008	5-27-2008	Authorizing the Mayor to execute a deed from the City of Reading to the Reading Redevelopment Authority, thereby conveying premises situate at 400 South Sixth Street.
41-2008	5-27-2008	Authorizing the Mayor to execute a deed from the City of Reading to the Reading Redevelopment Authority, thereby conveying premises situate at 401-403 South Sixth Street.
42-2008	5-27-2008	Authorizing the Mayor to execute a deed from the City of Reading to the Reading Redevelopment Authority, thereby conveying premises situate at 422 South Sixth Street.
67-2008	10-27-2008	Authorizing the Mayor to execute a "Certification and Consent of Landlord," thereby evidencing the City of Reading's consent to the assignment of the revised and restated lease agreement for Reading Municipal Memorial Stadium dated October 25, 1999, as amended on August 28, 2000, and January 26, 2004, from E & J Baseball Club, Inc., trading as the Reading Phillies Baseball Club, a Pennsylvania Corporation, to Reading Baseball LP, a Pennsylvania limited partnership.
12-2009	3-23-2009	Authorizing the Mayor to execute a deed from the City of Reading to the Reading Redevelopment Authority conveying premises situated at 1019 Penn Street, 1021 Penn Street, 1016 Court Street, 1022 Court Street, and 1028 Court Street.
23-2009	4-27-2009	Authorizing the Mayor to execute a deed, temporary easement from the City of Reading to the Commonwealth of Pennsylvania, Department of Transportation, and other documents (agreement of sale and settlement statement), thereby conveying premises situate at Route 183, Bern Township, Berks County.
30-2009	6-8-2009	Authorizing the Mayor to execute an easement agreement between the City of Reading and the Reading Area Water Authority, thereby conveying unto the Reading Area Water Authority a nonexclusive, perpetual easement in gross upon that portion of premises known and designated as Easement 101-2 located within Parcel ID No. 530773-51-0576, along River Road, Reading, Berks County.

Ord. No.	Date	Description
37-2009	7-27-2009	Authorizing the Mayor to execute an easement agreement between the City of Reading and the Reading Area Water Authority, thereby conveying unto the Reading Area Water Authority a nonexclusive, perpetual easement in gross upon that portion of premises known and designated as Easement 101-2 located within Parcel ID No. 530773-51-0576, along River Road, Reading, Berks County.
46-2009	9-14-2009	Authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of premises known as 501 South Fifth Street, Reading, Berks County, from the Liberty Steam Fire Company to the City of Reading.
69-2009	11-23-2009	Authorizing the Mayor to execute a temporary construction easement from the City of Reading to the Schuylkill Valley School District conveying unto said school district a temporary construction easement in and over a portion of land being part of Tax Pin Number 540100609178 that portion of premises designated as a temporary construction easement on the "Highway Occupancy Permit Plans, Roadway Improvements for Schuylkill Valley School District," dated July 20, 2009, being Project No. 080890 prepared by Derck & Edson Associates, situate in Ontelaunee Township, Berks County.
70-2009	11-23-2009	Authorizing the Mayor to execute an easement agreement between the City of Reading and Ontelaunee Township (both situate in Berks County) thereby conveying unto Ontelaunee Township two nonexclusive, perpetual easements in gross upon that portion of premises shown and designated as two twenty-foot strips of land and shown as a permanent stormwater easement on the "Highway Occupancy Permit Plans, Roadway Improvements for Schuylkill Valley School District," dated July 20, 2009, being Project No. 080890, prepared by Derck & Edson Associates, situate in Ontelaunee Township, Berks County.
23-2010	4-26-2010	Authorizing the Mayor to execute a deed from the City of Reading to the Commonwealth of Pennsylvania, Department of Transportation, and other documents (agreement of sale and settlement statement), thereby conveying premises situate at Route 61, Ontelaunee Township, Berks County, Pennsylvania.
55-2010	10-11-2010	Authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of premises known as the "Fire Training Center," Reading, Berks County, PA from the City of Reading to the County of Berks.

Ord. No.	Date	Description
10-2012	1-23-2012	Authorizing the Mayor to execute agreements to obtain the necessary rights-of-way and easements for the purpose of installing, constructing, maintaining and operating the sanitary sewer conveyance system and upgrades between the Sixth and Canal Pump Station and Fritz Island Wastewater Treatment Plant.
26-2012	3-12-2012	Authorizing the Mayor to acquire the properties from the Berks County Tax Claim Bureau's current repository list.
29-2012	3-12-2012	Authorizing the Mayor to attempt to acquire ownership of the premises known as 405A South Seventh Street, Reading, Berks County, Pennsylvania, from the Berks County Sheriff's Judicial Sale.
36-2012	6-22-2012	Authorizing the Mayor to execute the third addendum to the lease and operating agreement between the City of Reading and the Reading Area Water Authority, including a deed conveying to the Reading Area Water Authority a parcel of land of approximately 120 acres located in Ontelanuee Township owned by the City and a deed conveying to the Reading Area Water Authority a parcel of land of approximately 2.39 acres owned by the City and located at 1801 Moss Street in the City of Reading.
19-2013	4-8-2013	Authorizing the Mayor to execute the lease between the City of Reading and Egelman's Park Association for a portion of premises known as "Egelman's Park."
43-2013	9-23-2013	Authorizing the Mayor to execute a tri-party lease agreement between the City of Reading, the Berks County Conservancy and Alvernia University; a lease agreement between the City of Reading and Alvernia University and a lease agreement between the City of Reading and the Berks County Conservancy to provide for the leasing of certain portions of Angelica Park.
50-2013	10-14-2013	Authorizing the Mayor to execute the first amendment to the lease agreement between the City of Reading and Alvernia University for Angelica Park baseball facilities.
56-2013	11-12-2013	Authorizing the Mayor to execute an easement agreement to convey unto the Muhlenberg Township Authority a nonexclusive, perpetual easement in gross and temporary sanitary sewer construction easement upon that portion of premises known and designated as Tax Parcel # 66531810461680, generally located to the northeast of Spring Valley Road, Muhlenberg Township.

Ord. No.	Date	Description
10-2014	4-14-2014	Authorizing the Mayor to execute a temporary easement for construction purposes between the City of Reading and the Commonwealth of Pennsylvania, Department of Transportation, thereby conveying unto the Commonwealth of Pennsylvania, Department of Transportation, said temporary easement.
11-2014	4-14-2014	Authorizing the Mayor to execute a agreement of sale, deed and any other required documents to effectuate the conveyance of certain real property situate in Perry/ Richmond Townships, Berks County, Pennsylvania, consisting of approximately 0.621 acre (right-of-way) and approximately 0.067 acre (private access easement), between the City of Reading and the Commonwealth of Pennsylvania, Department of Transportation.
62-2014	8-11-2014	Directing the Mayor to execute the fourth addendum to the lease agreement with the Reading Area Water Authority
89-2014	11-24-2014	Authorizing the Mayor to execute a right-of-way grant between the City of Reading and the UGI Utilities, Inc., thereby conveying unto the UGI Utilities, Inc., a permanent easement and uninterrupted right of access as described in said easement upon that portion of premises along 14th Street and Green Street, for installation of a gated and fenced in regulator station
96-2014	11-24-2014	Authorizing the Mayor to execute a grant of right-of-way and easement between the City of Reading and the Schuylkill River Greenways Association, thereby conveying unto the Schuylkill River Greenways Association a nonexclusive, perpetual access easement upon that portion of premises within parcel identification number 530616947572 along Morgantown Road
99-2014	12-8-2014	Repealing Ord. No. 62-2014 and directing the Mayor to execute the fourth addendum to the lease agreement with the Reading Area Water Authority
53-2015	10-12-2015	Authorizing a lease agreement with the "Reading's Christmas on the Mountain" organization to operate the Hillside holiday light display at Hillside playground
75-2015	12-21-2015	Directing the Mayor to execute the fifth addendum to the lease agreement with the Reading Area Water Authority

Chapter A616

SEWERS

§ A616-101. Sewers.

[Below is a listing of ordinances adopted by the City of Reading regarding sewers. Full copies of said ordinances can be found in the City Clerk's Office. Regulations regarding sewers and sewage disposal are located in Chapter 467 of the Code of the City of Reading.]
§ A616-101. Sewers.

Ord. No./

Res. No.	Date	Description
28-1915	5-17-1915	Constructing a house sewage filtration bed and appurtenances on Fritz's Island and making an appropriation to the Department of Streets and Public Improvements, Bureau of Sewers.
16-1916	3-1-1916	Granting the Carpenter Steel Company permission to construct upon Bern and East McKnight Street a private house sewer line.
34-1916	6-21-1916	Dividing the City into sewer districts for house drainage purposes.
51-1916	7-19-1916	Constructing house drain sewers, house connections and branches in Sewer District No. 14.
62-1916	9-27-1916	Permitting Messrs. Diener, Endy and Fisher to construct a house sewer on Eighteen-and-a-half Street at their own expense.
33-1917	5-29-1917	Constructing a portion of a twenty-inch relief house sewer trunk line and appurtenances for the northeastern section of the City.
57-1917A	12-19-1917	Providing for the construction of lateral house sewers and house connections on Hill Road.
7-1918	2-13-1918	Permitting the Reading Steel Casting Company to construct a house sewer on the north side of Bayonne Street.
14-1918	5-29-1918	Providing for an application of assessments falling due and payable in House Sewer District No. 2 1/2 to a rotary fund to be designated "SWS-B2" for the purpose of meeting expenditures in the construction of lateral house sewers and house connections.
19-1918	7-10-1918	Permitting Reading Steel Casting Company to construct two catch basins and to have basins connected by a ten-inch vitrified pipe to the storm sewer.

Ord. No./

Res. No.	**Date**	**Description**
21-1919	4-23-1919	Permitting the Reading Steel Casting Company to construct a house sewer and manhole at their own expense under certain conditions.
28-1919	6-11-1919	Permitting E. Richard Meinig Company to construct a house sewer manhole, a connection and lay conduits with manholes for hot water, cables and sprinkler filter attachment at their own expense under certain conditions.
31-1919	7-30-1919	Permitting William McCormick to construct a six-inch house sewer connection and to connect with house sewers on Tulpehocken Street in accordance with a plan entitled "Plan of Proposed Connection to Tulpehocken House Sewer, Natatorum for William McCormick," at his own expense under certain conditions.
40-1919	8-29-1919	Permitting the Reading Armory Board to construct at its own expense and under conditions a four-inch vitrified stormwater sewer connection.
44-1919	9-17-1919	Permitting William H. Lunden to construct a storm sewer manhole and connection to the stormwater sewer.
42-1920	7-21-1920	Providing for the construction of the completion of a twenty-inch relief house sewer trunk line and appurtenances for the northeastern section of the City.
30-1921	4-27-1921	Authorizing the Superintendent of the Department of Streets and Public Improvements to make betterments to septic tanks for sewage disposal at the sewage disposal plant.
35-1921	6-8-1921	Providing for the construction of the completion of a relief house sewer trunk line and appurtenances for the northeastern section of the City.
48-1921	8-31-1921	Constructing storm sewers and appurtenances.
49-1921	9-7-1921	Permitting Harry S. Reeser to construct a house sewer on the ten-foot-wide alley on the rear of his property at his own expense.
38-1923	6-20-1923	Constructing a storm sewer and appurtenances through the property of Thos. Jackson and Sons Co., Inc.
59-1924	7-9-1924	Permitting George D. Horst to construct house sewers and connections.
64-1924	7-16-1924	Permitting H. Denton Stryker to construct house sewers and connections at his own expense.
80-1924	9-3-1924	Permitting George D. Horst to construct house sewers and connections at his own expense.
85-1924	10-1-1924	Permitting Solon D. Bausher to construct storm sewer main, connections and appurtenances at his own expense.

Ord. No./

Res. No.	**Date**	**Description**
88-1924	10-8-1924	Permitting George D. Horst to construct house sewers and connections at his own expense.
108-1924	12-31-1924	Permitting George D. Horst to construct house sewers and connections at his own expense.
111-1924	1-7-1925	Permitting the Harmony Volunteer Beneficial Association to construct a house sewer and connection.
17-1925	4-8-1925	Permitting George D. Horst to construct house sewers and connections at his own expense and under certain conditions.
56-1925	11-20-1925	Permitting D.F. Haupt to construct house sewers and connections at his own expense under certain conditions.
87-1927	7-6-1927	Permitting Solomon Boscor to construct an extension of house sewer main connections and appurtenances.
119-1927	9-7-1927	Permitting Reading Dyeing Company to construct storm sewer main, connections and appurtenances under certain conditions.
79-1928	6-27-1928	Permitting Warren G.M. Binckley and Daniel S. Krick to construct an extension of house sewer main, connection and appurtenances.
119-1928	10-3-1928	Permitting Reading Home Construction Company, Inc., to construct extension of house sewer main, connections and appurtenances.
59-1929	8-14-1929	Permitting George D. Horst to construct an extension of a house sewer main and connections appurtenances under certain conditions.
61-1929	8-14-1929	Authorizing the internal reconstruction and capacity expansion of the sewage pumping station.
75-1929	9-18-1929	Executing an agreement between the City and the Reading Company to provide for the placing and maintaining of a sanitary sewer pipeline under and across the tracks.
26-1930	3-26-1930	Constructing a primary sanitary collection trunk line sewer extension and constructing an appurtenant, adjusted replacement for local frontage service mains and house service connections.
28-1930	4-2-1930	Permitting the Young Men's Christian Association to construct an eight-inch- and ten-inch-diameter storm sewer, manhole and connections to connect with present the present storm sewer.
50-1930	7-2-1930	Permitting George D. Bucks and Edward J. Heckman to construct an extension of a house sewer main.
61-1930	8-6-1930	Constructing additional improvements and appurtenances to the sewage treatment works.

Ord. No./

Res. No.	**Date**	**Description**
62-1930	8-6-1930	Executing certain agreements with the Reading Company, the Pennsylvania Railroad, Oakbrook Hosiery Mills and the Pennsylvania Trust Company. Trustee of the Mary Ann Boyer estate to provide for the installation and maintenance of a storm sewer line.
10-1931	2-11-1931	Permitting George D. Horst to construct house local collection mains and connections.
53-1931	7-1-1931	Amending Sewer District No. 7 to comprise all that part of the City bounded on the north by the present northern City line, on the east by the center line of the Reading Company's main line railroad tracks, on the South by the northern building line of Robeson Street, and the west by the Schuylkill River.
26-1934	5-2-1934	Authorizing the construction and reconstruction of the portion of Rose Valley Creek storm sewer approximately between Neversink Alley and Ninth Street and Culvert Streets.
35-1934	6-6-1934	Amending Ord. No. 26-1934.
55-1935	12-11-1935	Executing an agreement between the City and the Borough of Mt. Penn granting the Borough the privilege of discharging its sewage into the City's sewer system.
63-1935	12-18-1935	Executing an agreement between the City and Wyomissing Valley Disposal Company providing for the disposal by the company of house sewage from a certain portion of the Eighteenth Ward for the sum of $840 per year.
15-1936	2-26-1936	Executing an agreement with the Pennsylvania Railroad Company, providing for the placing and maintaining of storm sewer pipes below and across the tracks and property of the company; twenty-inch pipeline under the tracks on line of Robeson Street and twenty-four-inch pipeline under tracks on line of Perry Street.
44-1941	9-10-1941	Execution of an agreement between the City and the Glidden Company for Glidden Company to construct an eight-inch pipe duct to carry steam.
8-1950	3-15-1950	Execution of an agreement between the City and the Brookline Manor Apartments, Inc., granting Brookline Manor Apartments permission to construct storm and sanitary sewers connecting their property in the Eighteenth Ward with the City's storm and sanitary sewers on Old Wyomissing Road and Margaret Street and designating the ownership of the sewer lines when completed.

Ord. No./

Res. No.	**Date**	**Description**
19-1953	7-29-1953	Execution of an agreement between the City and the Carpenter Steel Company for Carpenter Steel to construct a sanitary sewer line on River Road in accordance with certain plans and specifications prepared by the City Engineer.
43-1957	12-11-1957	Execution of an agreement between the City, Laureldale Municipal Authority and Laureldale Borough, providing for the connection with the City's sewage collection system of sewage collected in a sanitary sewage system to be constructed by the Laureldale Municipal Authority and leased to the Borough of Laureldale and setting rates and charges to be received by the City for the treatment and disposal of sewage received.
5-1958	2-19-1958	Execution of an agreement between the City and the Dana Corporation, for land for the purpose of constructing a water main and a storm sewer.
5-1959	4-22-1959	Entering an agreement between Township of Cumru, Cumru Township Authority and the City to dispose the Township's sewage in the Reading Sewage Disposal Plant.
19-1959	10-7-1959	Entering an agreement between Borough of Kenhorst, Kenhorst Municipal Authority and the City to dispose the Township's sewage in the Reading Sewage Disposal Plant.
20-1959	10-7-1959	Entering an agreement between Township of Spring, Municipal Authority of Spring Township and the City to dispose the Township's sewage in the Reading Sewage Disposal Plant.
5-1960	1-27-1960	Execution of an agreement between the City and the Muhlenberg Township Authority, providing for the connection with the City's sewage collection system of sewage collected in a sanitary sewage system to be constructed by the Muhlenberg Township Authority and setting rates and charges to be received by the City for the treatment and disposal of sewage received.
31-1960	9-28-1960	Authorizing the construction of improvements, additions and extensions to the sanitary sewage system of the City, in the Eighteenth Ward, by assessment of part of the costs thereof according to the front foot rule for the properties benefited, providing for the payment in part out of the General Revenue Funds, and providing for the collection of the assessments.

Ord. No./

Res. No.	**Date**	**Description**
32-1960	10-11-1960	Authorizing the construction of improvements, additions and extensions to the sanitary sewage system of the City, in that portion of the Sixteenth Ward without a sewage system, by assessment of part of the costs thereof according to the front foot rule for the properties benefited, providing for the payment in part out of the General Revenue Funds, and providing for the collection of the assessments.
42-1960	12-28-1960	Execution of an agreement between the City, the Temple Borough Authority and Temple Borough, providing for the connection with the City's sewage collection system of sewage collected through the Muhlenberg Township Authority trunk lines, for treatment and disposal in the City sewage treatment plant, to be constructed by the Temple Borough Authority and leased to the Borough of Temple and setting rates and charges to be received by the City for the treatment and disposal of sewage received.
10-1962	3-21-1962	Execution of an agreement between the City, the Cumru Township Authority and Cumru Township, amending the agreement of 9-1-1959 between the parties, by granting permission for the extension of sewage system of Authority and Township, providing for the receiving through the City's sewage system to the City's sewage treatment plant for treatment and disposal of such additional sewage collected by Authority and Township, providing for the payment by Township to City in addition to rates and charges for sewage treatment.
2-1963	1-16-1963	Levying and assessing the costs and expenses for the construction of improvements, additions and extensions to the sanitary sewage system of the City, in the Sixteenth Ward, against the properties benefited, improved or accommodated thereby according to the front foot rule.
6-1963	1-30-1963	Levying and assessing the costs and expenses for the construction of improvements, additions and extensions to the sanitary sewage system of the City, in the Eighteenth Ward, against the properties benefited, improved or accommodated thereby according to the front foot rule.
25-1963	11-6-1963	Levying and assessing the costs and expenses for the construction of improvements, additions and extensions to the sanitary sewage system of the City, in the Nineteenth Ward, against abutting properties according to the front foot rule, providing for the payment in part out of the General Revenue Funds, and providing for the collection of the assessments.

Ord. No./ Res. No.	Date	Description
25-1964	8-26-1964	Execution of an agreement between the City, the Cumru Township Authority and Cumru Township, amending the agreement of between the parties dated 9-1-1959, as amended by an agreement of amendment dated 3-21-1962, providing for the extension of sewage system of Authority and Township by permitting sewage collected by Shillington Municipal Authority and/or Borough of Shillington from a certain portion of the Borough of Shillington to be transported through the sewage collection lines and sewage trunk lines of said Authority and the City to the sewage treatment plant of the City.
50-1966	1-5-1966	Entering an agreement between Borough of Wyomissing Hills, Borough of Wyomissing Hills Authority and the City to dispose the Borough's sewage in the Reading Sewage Disposal Plant.
4-1967	3-8-1967	Levying and assessing the costs and expenses for the construction of improvements, additions and extensions to the sanitary sewage system of the City, in the Nineteenth Ward, against the properties benefited, improved or accommodated thereby according to the front foot rule.
44-1968	8-14-1968	Permitting the Interstate Container Corporation to construct a sanitary sewer and appurtenances between a manhole at the intersection of Noble Street and Gregg Avenue at their own expense.
45-1968	8-14-1968	Providing for the assessment of the costs and expenses for extending the sanitary sewers in the Twelfth Sewer District against abutting properties, by assessment according to the front foot rule, and providing for the collection of assessments made.
2-1969	1-22-1969	Selecting and appropriating an easement in certain lands situate in the Eighteenth Ward for the installation of storm and sanitary sewers.
33-1970	7-15-1970	Providing for the assessment of the costs and expenses for extending the sanitary sewers in Twelfth Sewer District against the properties benefited, improved or accommodated thereby according to the front foot rule.
55-1970	12-30-1970	Providing for the sewer service rental for the operation, maintenance, repair, alteration, inspection and depreciation and other expenses arising out of or connected with the sewerage and sewage disposal system of the City of owners of properties from which sewage is drained or transported to and treated at the sewage treatment works of the City.

Ord. No./

Res. No.	**Date**	**Description**
39-1971	11-3-1971	Execution of an agreement between the City, the Municipal Authority of the Township of Spring and the Township of Spring amending the agreement between the parties dated 10-7-1959.
19-1975	4-30-1975	Authorizing the construction of improvements, additions and extensions to the public sanitary sewerage system of the City in Geiger's Court in the Third Ward.
59-1975	12-31-1975	Levying and assessing the costs and expenses for the construction of improvements, additions and extensions to the public sanitary sewage system of the City at Geiger's Court in the Third Ward.
80-1991	8-7-1991	Confirming and approving certain intermunicipal sewage agreements, negotiations and providing compensation therefor.
23-2012	3-12-2012	Authorizing the Mayor to acquire a fee or easement interest in the parcels of land identified as Property Identification Numbers 18530651852796 and 18530616947572, located along the west shore of the Schuylkill River between the Sixth and Canal Pump Station and Fritz Island Wastewater Treatment Plant for the purpose of constructing and maintaining such sanitary sewer facilities required for the efficient transportation of sewage to the Wastewater Treatment Plant.
8-2013	2-11-2013	Authorizing the City of Reading to enter into an agreement with Laureldale Borough for cooperation with regard to transportation, treatment and disposal of sewage as designated in the intergovernmental cooperation agreement.

Chapter A617

STREETS AND SIDEWALKS

§ A617-101. Streets and sidewalks.

[Below is a listing of ordinances adopted by the City of Reading regarding specific street vacations, street openings, grading, surfacing, widening, renaming, accepting, curbs, etc. Full copies of said ordinances can be found in the City Clerk's Office. Regulations on streets and sidewalks are located in Chapter 508 of the Code of the City of Reading.]

§ A617-101. Streets and sidewalks.

This appendix contains an alphabetical listing of streets and, under each street, a listing of all ordained activities.

Name	Activity	Location	Ord. No.	Date
Adams Street	Revising curb grades	Between Berks Street and north City line	44-1973	8-15-1973
Adams Street	Vacating	From the north building line of Hiester's Lane to the south building line of Berks Street	19-1974	5-15-1974
Alexander Street	Vacating	From Baker Street to Gerry Street	37-1928	4-25-1928
Allegheny Avenue	Revising grades and elevations	From Lackawana Street to the northern City line	87-1926	6-23-1926
Allegheny Avenue	Opening	Between Lehigh Street and Warren Street	11-1944	5-10-1944
Allegheny Avenue	Opening	Between Columbia Street and Lehigh Street	15-1944	6-28-1944
Allegheny Avenue	Opening	Between Blair Avenue and the Reading Belt Railroad	39-1949	8-3-1949
Allegheny Avenue	Opening	From the south building line of Lackawanna Street to a point 103.43 feet south along the west building line and a point 95.82 feet south along the east building line of Allegheny Avenue	28-1966	6-1-1966

Name	Activity	Location	Ord. No.	Date
Allegheny Avenue	Opening	From the north building line of Warren Street to a point 426.57 feet north along the west building line and 434.18 feet north along the east building line of Allegheny Avenue	70-1966	12-14-1966
Allegheny Avenue	Vacating	From the north building line of Mercer Street north 48.43 feet to the City of Reading/Bern Township line	37-1967	11-22-1967
Allegheny Avenue	Vacating	From the southern building line of Lackawanna Street to the northern building line of Warren Street	1-1980	9-10-1980
Allegheny Street	Placing on topographical survey	From Mercer Street to the northern City line	86-1926	6-23-1926
Allegheny Street	Vacating	Between the south building line of Columbia Street and the right-of-way line of the Reading Company	12-1975	4-9-1975
Alsace Road	Placing on topographical survey	From Perry Street to Oak Lane	191-1927	12-28-1927
Alsace Road	Opening and grading	From Perry Street to Oak Lane	33-1929	6-12-1929
Alsace Road	Opening and grading	From Berks Street to northward approximately 143 feet	8-1931	3-4-1931
Alton Avenue	Opening	From Northmont Avenue to Kerper Estate	82-1915	2-2-1916
Alton Avenue	Placing on topographical survey	From Northmont Avenue to Kerper Estate	81-1915	2-2-1916
Alton Avenue	Vacating	From Belmont Avenue southwestward 125 feet	10-1935	4-17-1935
Amity Street	Opening, grading and paving	Between Linden Street and Pricetown Road	29-1917	5-23-1917
Amity Street	Opening	Between Eleventh Street and Linden Street	53-1922	10-4-1922

Name	Activity	Location	Ord. No.	Date
Amity Street	Vacating	Between Oak Lane and eastern City line	95-1924	11-12-1924
Amity Street	Vacating	Between River Road and McKnight Street	109-1924	3-25-1925
Amity Street	Storm sewers	From Church Street to Sixth Street	163-1926	9-22-1926
Amity Street	Storm sewers	From Twelfth Street to Thirteenth Street	163-1926	9-22-1926
Amity Street	Revising elevations and grades	From Church Street to Fifth Street	179-1927	12-31-1927
Amity Street	Storm sewers	From Fifth Street to Church Street	77-1930	10-8-1930
Amity Street	Opening and grading	From 10-foot-wide alley west of Front Street to west building line of McKnight Street	66-1931	8-26-1931
Amity Street	Sewers	From Church Street to Sixth Street	21-1932	4-13-1932
Amity Street	Sewers	From River Road to Pear Street	21-1932	4-13-1932
Amity Street	Vacating	From the west building line of McKnight Street to a point 139 feet west of the west building line of Front Street	6-1951	4-18-1951
Amity Street	Vacating	Between North Fifth Street and Church Street and reserving a right-of-way	19-1954	4-7-1954
Amity Street	Changing alignment, width and grades	Between Church Street and Sixth Street	22-1976	5-27-1976
Amity Street	Changing alignment, width and grades	Between Church Street and Sixth Street	42-1976	11-17-1976
Angelica Street	Opening and grading	From Lancaster Avenue to Summit Avenue	41-1929	7-17-1929
Angelica Street	Changing curb elevations and grades	From Lancaster Avenue to Gregg Avenue	46-1929	7-24-1929

Name	Activity	Location	Ord. No.	Date
Angelica Street	Storm sewers	From Lancaster Avenue to Park Avenue	35-1930	5-7-1930
Angelica Street	Paving and curbing	From Lancaster Avenue to Summit Avenue	52-1930	7-30-1930
Angelica Street	Vacating	From Park Avenue to Summit Avenue	56-1930	8-13-1930
Angelica Street	Vacating and removing	The northeastern sidewalk 12 feet wide between Brookline Street and Gregg Avenue	30-1984	3-21-1984
Angora Road	Surfacing	Of 0.4 miles of roadway beginning at a point approximately 750 feet north of the intersection with Mill Road, and extending northward to the City line	62-1936	10-17-1936
Angora Road	Surfacing	Beginning approximately 750 feet north of the intersection of Angora Road and Hill Road and extending north to the City line	62-1936	10-17-1936
Angora Road	Surfacing	Of 3,800 square feet of roadway beginning at Hill Road and extending northward to present paved section	66-1937	11-3-1937
Arch Street	Vacating	From Front Street to Pear Street	113-1927	9-14-1927
Arch Street	Opening and grading	From Pear Street to Centre Avenue	33-1928	4-18-1928
Arch Street	Vacating	Between Forth Street and Fifth Street	73-1929	11-6-1929
Arch Street	Vacating	Between Center Avenue and Fourth Street	22-1935	5-15-1935
Argonne Road	Opening and grading	From Warren Street to northern City line	77-1924	9-3-1924
Argonne Road	Opening	From Warren Street to the northern City line	11-1957	2-20-1957
Argonne Road	Vacating, abandoning and removing	Between a line north of Mercer Street projected and the Bern Township line	66-1992	6-24-1992

Name	Activity	Location	Ord. No.	Date
Arlington Street	Opening and grading	From Upland Avenue to Belevedere Avenue	107-1928	8-29-1928
Arlington Street	Opening and grading	From Lancaster Avenue to Park Avenue	15-1929	4-17-1929
Arlington Street	Opening and grading	From Park Avenue to Summit Avenue	41-1929	7-17-1929
Arlington Street	Opening and grading	From Belvedere Avenue to Summit Avenue	10-1930	3-12-1930
Arlington Street	Paving and curbing	From Lancaster Avenue to Summit Avenue	52-1930	7-30-1930
Arlington Street	Vacating	Between Wyomissing Boulevard and Pershing Boulevard	21-1937	11-10-1937
Arlington Street	Revising curb elevations and grades	Between Brookline Street and Gregg Avenue	21-1937	11-10-1937
Arlington Street	Opening	Between Orrton Avenue and Upland Avenue	37-1948	9-15-1948
Arlington Street	Opening portion	From Lancaster Avenue to Gregg Avenue	40-1957	12-31-1957
Arlington Street	Opening	From Orrton Avenue to northern right-of-way line of Reading Belt Branch of Reading Company	23-1962	9-26-1962
Arlington Street	Placing on topographical survey	Between Orrton Avenue to northern right-of-way line of Reading Belt Branch of Reading Company	23-1962	9-26-1962
Arlington Street	Changing curb grades	Between Gregg Avenue and Brookline Street	12-1976	3-31-1976
Ashton Street	Naming	Formerly known as Avenue "A"	22-1942	7-8-1942
Ashton Street	Opening	As located on Plan No. 6041	11-1964	4-1-1964
Ashton Street	Vacating	As located on Plan No. 6041	11-1964	4-1-1964
Avenue "A"	Renaming	Known as Ashton Street between River Road and East Road	22-1942	7-8-1942
Avenue "A"	Placing on topographical survey	From Schuylkill Avenue to Avenue "D"	34-1942	9-30-1942

Name	Activity	Location	Ord. No.	Date
Avenue "A"	Opening	Between Schuylkill Avenue and Avenue "D"	1-1943	1-20-1943
Avenue "A"	Placing on topographical survey	From Avenue "D" to Avenue "B"	16-1961	8-2-1961
Avenue "A"	Opening	From Avenue "D" to Avenue "B"	16-1961	8-2-1961
Avenue "B"	Placing on topographical survey	From Schuylkill Avenue to Avenue "D"	34-1942	9-30-1942
Avenue "B"	Opening	Between Schuylkill Avenue and Avenue "D"	1-1943	1-20-1943
Avenue "B"	Opening	From Avenue "D" to Avenue "A"	16-1961	8-2-1961
Avenue "B"	Placing on topographical survey	From Avenue "D" to Avenue "A"	16-1961	8-2-1961
Avenue "C"	Opening, grading and improving	Between Berkley Road and High Street	23-1923	4-11-1923
Avenue "C"	Renaming	Known as Colston Street between River Road and High Street	22-1942	7-8-1942
Avenue "C"	Placing on topographical survey	From Avenue "A" to Avenue "B"	34-1942	9-30-1942
Avenue "C"	Opening	Between Avenue "A" and Avenue "B"	1-1943	1-20-1943
Avenue "D"	Opening, grading and improving	Between Berkley Road and Downing Street	23-1923	4-11-1923
Avenue "D"	Renaming	Known as Durham Street between Downing Street and East Road	22-1942	7-8-1942
Avenue "D"	Renaming	Known as Denton Street between River Road and Downing Street	22-1942	7-8-1942
Avenue "D"	Placing on topographical survey	From Avenue "A" to Avenue "B"	34-1942	9-30-1942
Avenue "D"	Opening	Between Avenue "A" and Avenue "B"	1-1943	1-20-1943

Name	Activity	Location	Ord. No.	Date
Avenue "E"	Renaming	Known as Elkton Street between River Road and Berkley Road	22-1942	7-8-1942

Name	Activity	Location	Ord. No.	Date
Baer Street	Opening and grading	From Columbia Road to Lehigh Street	77-1924	9-3-1924
Baer Street	Relocating	Between Lehigh Street and Greenview Avenue	33-1939	8-2-1939
Baer Street	Establishing curb grades	Between Lehigh Street and Greenview Avenue	33-1939	8-2-1939
Baer Street	Removing from topographical survey	Between Lehigh Street and Columbia Road	33-1939	8-2-1939
Baker Street	Vacating	From Lacaster Avenue to Pershing Boulevard	37-1928	4-25-1928
Baker Street	Curbing and grading	From Lancaster Avenue to 175 feet south	47-1930	7-23-1930
Baker Street	Opening	Between Lancaster Avenue and the south City line	16-1958	6-18-1958
Barberry Road	Opening and grading	From Old Wyomissing Road to the north City line	53-1929	8-7-1929
Bartlett Street	Opening and grading	From Belvedere Avenue northward approximately 70 feet	189-1927	12-28-1927
Bartlett Street	Opening and grading	From approximately 70 feet north of Belevedere Avenue to approximately 70 feet north of Prospect Avenue	129-1928	11-7-1928
Bartlett Street	Opening and grading	From Fern Avenue to Summit Avenue	41-1929	7-17-1929
Bartlett Street	Opening and grading	From approximately 70 feet north of Prospect Avenue to Summit Avenue	24-1930	4-30-1930
Bartlett Street	Paving and curbing	From Fern Avenue to Summit Avenue	52-1930	7-30-1930
Bartlett Street	Opening portion	From Upland Avenue to Belvedere Avenue	40-1957	12-31-1957
Bayonne Street	Opening	From the east building line of Lebanon Street to the east building line of Little Clinton Street	63-1914	12-23-1914

Name	Activity	Location	Ord. No.	Date
Bayonne Street	Grading	From Little Clinton Street to Lebanon Street	27-1915	5-17-1915
Bayonne Street	Vacating	From the west building line of Little Clinton Street to the east building line of Lebanon Street	27-1916	4-19-1916
Bayonne Street	Opening	From the west building line of Little Clinton Street to the east building line of Lebanon Street	28-1916	4-19-1916
Bayonne Street	Placing on topographical survey	From the west building line of Little Clinton Street to the east building line of Lebanon Street	28-1916	4-19-1916
Bayonne Street	Vacating	Between Lebanon Street and Little Clinton Street	60-1939	12-27-1939
Bear Street	Vacating and removing	From the northwestern right-of-way line of the Warren Street Bypass to a point 500 feet northeastward	6-1959	4-30-1959
Beaver Street	Vacating and removing from the topographical survey of the City of reading	Beginning at a point 394.72 feet south of the southern building line of Fairview Street and 210 feet west of the western building line of Fourteenth Street on the eastern building line of Beaver Street; thence extending southerly along the eastern topographical building line 505.24 feet to a point; thence extending westerly 40 feet to the western topographical building line of Beaver Street; thence extending northerly along the western topographical building line of Beaver Street 505.24 feet to a point; thence extending 40 feet easterly to the point of beginning. Containing in area 0.46 acres, more or less	25-2006	3-13-2006

Name	Activity	Location	Ord. No.	Date
Beech Street	Sewers	From Pear Street to Second Street	18-1922	3-29-1922
Beech Street	Sewers	From Pear Street to Second Street	28-1922	5-3-1922
Beech Street	Vacating	From a point 115 feet east of east building line of Second Street to Thorn Street	111-1931	1-20-1932
Beech Street	Revising grade	From east curbline of Second Street to 128 feet east therefrom	52-1940	10-30-1940
Beech Street	Vacating	Beginning at a point on the western right-of-way line of North Second Street a corner of lands of Reading-Berks Emergency Shelter; thence along lands of Opportunity House (a.k.a. Reading-Berks Emergency Shelter) and the southern right-of-way line of Beech Street South 87 degrees 08 minutes 15 second West 221.00 feet to a point on the eastern right-of-way line of Pear Street; thence along the eastern right-of-way line of Pear Street North 02 degrees 51 minutes 45 second West 40.33 feet to a point on the northern side of Beech Street, thence along the northern right-of-way of Beech Street North 87 degrees 22 minutes 57 second East 221.00 feet to a point on the western right-of-way of North Second Street; thence along the western right-of-way line of North Second Street South 02 degrees 51 minutes 59 second East 39.38 feet to a point the place of beginning	68-2009	11-23-2009

Name	Activity	Location	Ord. No.	Date
Bell Alley	Grading and paving	A 10-foot-wide alley, from Willow Street south to an unnamed alley	28-1972	6-14-1972
Bell Alley	Grading and paving	Located east of south Sixth and parallel between 600 block of Willow and an unnamed alley	37-1974	9-11-1974
Belmont Avenue	Placing on topographical survey	From Hiester's Lane to Delta Avenue	81-1915	2-2-1916
Belmont Avenue	Opening	From Hiester's Lane to Delta Avenue	82-1915	2-2-1916
Belmont Avenue	Widening	From Hiesters Lane to Fifth Street	177-1927	12-31-1927
Belmont Avenue	Vacating	From Bruckman Avenue to Alton Avenue	15-1954	3-31-1954
Belmont Avenue	Vacating and removing	Between Crescent Avenue and Delta Avenue	16-1955	5-18-1955
Belmont Avenue	Changing building line radius	From 75 feet to 25 feet at northwest corner with Hiester's Lane	15-1958	5-14-1958
Belmont Avenue	Vacating and removing	From Bruckman Avenue to a 10-foot alley located 130 feet south of Crescent Avenue	18-1961	8-16-1961
Belvedere Avenue	Opening and grading	Between Hazel Street and Carroll Street	77-1927	6-15-1927
Belvedere Avenue	Paving and curbing	From Hazel Street to Carroll Street	43-1928	5-9-1928
Belvedere Avenue	Opening and grading	From Carroll Street to Summit Avenue	88-1929	12-4-1929
Belvedere Avenue	Paving and curbing	From Carroll Street to Grace Street	52-1930	7-30-1930
Belvedere Street	Changing elevation and grade	From Crestmont Street to Carroll Street	117-1927	9-14-1927
Benner's Court	Revising curb alignment	North and south from Maple Street eastward 156.25 feet to a 10-foot-wide alley	3-1961	3-1-1961

Name	Activity	Location	Ord. No.	Date
Benner's Court	Vacating	Between Maple Street and an unnamed 10-foot-wide alley adjacent to Benner's Court	54-2010	8-9-2010
Bennett Green	Vacating	On Berkshire Drive between Greenview Avenue and Warren street	24-1934	5-23-1934
Bentley Court	Accepting	In the east bank area of the Schuylkill Urban Renewal Project	12-2000	7-10-2000
Berkley Road	Opening and grading	From Avenue "C" to East Road	6-1932	3-2-1932
Berkshire Bottling Drive	Accepting	All that certain tract or piece of land to be used as a portion of West Green Street, 60 feet wide, located on the north side of the existing West Green Street and the East side of Tulpehocken Street, as shown on the revision to the recorded plan of Riverfront Commerce Center, recorded in PBV 267, Page 9, Berks County Records, situate in the City of Reading, County of Berks, Commonwealth of Pennsylvania	66-2006	10-23-2006
Berkshire Drive	Opening and grading	From Columbia Road to the northern City line	77-1924	9-3-1924
Berkshire Drive	Grading	From Greenview Avenue to the eastern terminus of Berkshire Drive	53-1955	12-21-1955
Berkshire Drive	Opening	From the north City line to the eastern terminus of Berkshire Drive	11-1957	2-20-1957
Berkshire Drive	Vacating portion and changing grade	Between Lehigh Street and SR 784 and changing grade on remaining portion	7-1958	3-19-1958
Berks Street	Vacating	Between Thirteenth Street and Fourteenth Street	60-1915	12-1-1915

Name	Activity	Location	Ord. No.	Date
Berks Street	Vacating	From the eastern right-of-way line of the main line of the Philadelphia and Reading Railway to the western right-of-way line of the East Penn Branch of the Philadelphia and Reading Railway Company	80-1915	2-2-1916
Berks Street	Vacating	From the east building line of Kutztown Road to the east building line of Mulberry Street	55-1916	8-16-1916
Berks Street	Changing elevation and grade	From Alsace Road to Lorraine Road	50-1925	10-14-1925
Berks Street	Vacating	Between Eleventh Street and Mulberry Street	45-1926	3-31-1926
Berks Street	Vacating	Between East McKnight Street and the western right-of-way line of the Belt Line Railroad	11-1927	2-9-1927
Berks Street	Vacating	From East McKnight Street to approximately 100 feet west of the western building line of Fourth Street	112-1927	9-14-1927
Berks Street	Opening and grading	From Oriental Road to Fourth Street	33-1928	4-18-1928
Berks Street	Opening and grading	From approximately 103 feet west of Alsace Road to the east City line	8-1931	3-4-1931
Berks Street	Changing curb elevations and grades	From Fourteenth Street to Hampden Boulevard	41-1931	6-10-1931
Berks Street	Revising elevations and grades	From Hampden Boulevard to Seventeenth Street	74-1934	12-5-1934
Berks Street	Opening	From Hampden Boulevard to Fernwood Street	75-1934	12-5-1934
Berks Street	Storm sewers	—	76-1934	11-7-1934
Berks Street	Renaming	Known as Berton Street between River Road and East Road	22-1942	7-8-1942

Name	Activity	Location	Ord. No.	Date
Berks Street	Vacating	From Oriental Road to Fourth Street	55-1949	1949
Berks Street	Extending	—	55-1949	1949
Berks Street	Naming	Formerly known as Cathedral Street	55-1949	1949
Berks Street	Vacating and removing	From North Eleventh Street to North Thirteenth Street	37-1957	10-30-1957
Berks Street	Opening	From a point 150 feet east of Center Avenue to the east building line of Third Street	9-1958	4-23-1958
Berks Street	Revising grade	From Rosemont Boulevard to Fifteenth Street	14-1960	3-23-1960
Berks Street	Vacating	As located on Plan No. 6041	11-1964	4-1-1964
Berks Street	Vacating	Between the east building line of North Fourth Street and the west building line of Thorn Street	19-1966	5-18-1966
Berks Street	Opening	East of the east curbline of Hampden Boulevard	48-1966	9-28-1966
Berks Street	Revising location and grade	East of the east curbline of Hampden Boulevard	48-1966	9-28-1966
Berks Street	Revising curb grades	Between Kutztown Road and Adams Street	44-1973	8-15-1973
Bern Avenue	Changing width	Between Angelica Street and the right-of-way of the Reading Belt Line Railroad	53-1970	12-2-1970
Bern Street	Storm sewers	From Thorn Street to Centre Avenue	60a-1913	3-18-1914
Bern Street	Grading	Between Front Street and River Road	61-1916	9-11-1916
Bern Street	Sewers	From the manhole at McKnight Street for a distance of 45 feet eastward	73-1916	12-11-1916
Bern Street	Opening, grading and paving	Between Thirteenth Street and Pricetown Road	29-1917	5-23-1917

Name	Activity	Location	Ord. No.	Date
Bern Street	Changing alignment	From East McKnight Street to a point about 80 feet west of West McKnight Street	64-1923	11-21-1923
Bern Street	Vacating	From East McKnight Street to a point about 80 feet west of West McKnight Street	32-1924	5-7-1924
Bern Street	Vacating	Between Oak Lane and the eastern City line	95-1924	11-12-1924
Bern Street	Opening, grading and improving	Between Thirteenth Street and Hampden Boulevard	6-1925	1-28-1925
Bern Street	Revising the alignment	From Palm Street to Hampden Boulevard	50-1926	3-31-1926
Bern Street	Opening and grading	From Twelfth Street to Thirteenth Street	82-1927	7-13-1927
Bern Street	Revising elevations and grades	From Madison Avenue to Sixth Street	179-1927	12-31-1927
Bern Street	Storm sewers	From Twelfth Street to College Avenue	184-1927	12-7-1927
Bern Street	Storm sewers	From Third Street to Fourth Street	140-1928	12-5-1928
Bern Street	Storm sewers	From Fourth Street to Fifth Street	77-1930	10-8-1930
Bern Street	Changing curb elevations and grades	From Sixteenth Street to Hampden Boulevard	40-1931	6-10-1931
Bern Street	Sewers	From Sixth Street to McKnight Street	21-1932	4-13-1932
Bern Street	Sewers	From Thirteenth Street to 500 feet east of Thirteenth Street	21-1932	4-13-1932
Bern Street	Improving	From Center Avenue to Fifth Street	37-1934	6-13-1934
Bern Street	Establishing curb grade	On the northern side at Madison Avenue	4-1945	2-7-1945

Name	Activity	Location	Ord. No.	Date
Bern Street	Closing to public use	From the western building line of North Thirteenth Street to the eastern building line of Birch Street	30-1949	8-3-1949
Bern Street	Vacating portion	From River Road to the east building line of West McKnight Street	22-1958	9-3-1958
Bern Street	Opening	Between the east curbline of North Eleventh Street and the west curbline of North Twelfth Street	11-1967	5-31-1967
Berton Street	Naming	Formerly known as Berks Street	22-1942	7-8-1942
Beverly Place	Opening and grading	From Meade Street to Sheridan Street	38-1928	4-25-1928
Beverly Place	Opening portion	From Meade Street to Sheridan Street	40-1957	12-31-1957
Bingaman Court	Accepting	Dedication from the redevelopment authority located in the model cities I — urban renewal project and the riverfront urban renewal project	39-2002	8-12-2002
Bingaman Street	Paving and improving	From Lancaster Bridge to Canal Street	22-1914	5-27-1914
Bingaman Street	Paving and improving	From Sixth Street to Seventh Street	22-1914	5-27-1914
Bingaman Street	Paving and improving	From Ninth Street to Chestnut Street	22-1914	5-27-1914
Bingaman Street	Paving and improving	—	18-1915	4-14-1915
Bingaman Street	Repairing	As necessary	30-1917	5-23-1917
Bingaman Street	Widening	From Fourth Street to Water Street	11-1919	4-2-1919
Bingaman Street	Improving	From Station 498+27 to Station 527+10, a distance of 2883 feet	22-1959	10-21-1959
Bingaman Street	Vacating	Between the eastern building line of South Fourth Street and the western building line of Wood Street	32-1976	9-15-1976

Name	Activity	Location	Ord. No.	Date
Bingaman Street	Establishing radius	At the northeast corner with Carpenter Street a 46-foot building line radius	5-1979	2-14-1979
Bingaman Street	Vacating and removing	North of Bingaman Street Bridge from South Fourth Street to a line near Carpenter Street	18-1979	5-3-1979
Bingaman Street	Vacating	A portion of Bingaman Street northwest of the Bingaman Street Bridge from a line 104 feet southwest of the southwestern building line of Carpenter Street	32-1979	9-5-1979
Bingaman Street	Vacating, abandoning and removing	Portion of	13-1985	2-13-1985
Bingaman Street	Vacating, abandoning and removing	Between a line 82.96 feet southwest of the southwestern building line of Carpenter Street extended and South Second Street	48-1987	7-15-1987
Birch Street	Grading	Between Robeson Street and Marion Street	45-1915	8-18-1915
Birch Street	Grading	Between Spring Street and Robeson Street	49-1916	7-12-1916
Birch Street	Vacating	Between Marion Street and Payor Street	8-1921	2-2-1921
Birch Street	Opening	Between Amity Street and Union Street	53-1922	10-4-1922
Birch Street	Sewers	Between Union Street and Exeter Street	31-1923	5-29-1923
Birch Street	Opening, grading and improving	Between Bern Street and Richmond Street	6-1925	1-28-1925
Birch Street	Vacating	Between northern building line of Union Street and the southern building line of Exeter Street	23-1925	5-6-1925
Birch Street	Opening and grading	From Bern Street to Richmond Street	7-1931	3-4-1931

Name	Activity	Location	Ord. No.	Date
Birch Street	Sewers	From Bern Street to Richmond Street	21-1932	4-13-1932
Birch Street	Curblines and grades	Changing grade of eastern curbline from a point at the northern building line of Walnut Street to a point 133 feet 3 inches northward	14-1953	7-22-1953
Birch Street	Vacating and removing	From the City line to a point 360 feet south	37-1957	10-30-1957
Birch Street	Vacating and removing	From Richmond Street to a point 360 feet south of the northern City line	35-1962	12-12-1962
Birch Street	Vacating	From the south building line of Elm Street to the north building line of Walnut Street	5-1974	1-23-1974
Blair Avenue	Stormwater sewers	—	45-1925	8-12-1925
Blair Avenue	Opening, grading, paving and improving	From Schuylkill Avenue to Butler Street	38-1932	6-1-1932
Bradford Street	Vacating	Between Arlington Street and Pennsylvania Avenue	21-1937	11-10-1937
Brentwood Drive	Accepting	Dedication from Brentwood Industries, Inc., for a portion	13-2003	5-12-2003
Bridge Street	Grading and opening	Between Schuylkill Avenue and Eckert Avenue	28-1917	5-23-1917
Bridge Street	Sewers	From Schuylkill Avenue to 100 feet east of Schuylkill Avenue	21-1932	4-13-1932
Bright Street	Vacating, abandoning and removing	From the western building line of North Eighth Street to the eastern building line of Poplar Street	57-1993	6-9-1993
Brookline Plaza	Opening and grading	From Lancaster Avenue to Pershing Boulevard	38-1928	4-25-1928
Brookline Plaza	Opening and grading	From Lancaster Avenue to Clifton Avenue	9-1929	2-20-1929
Brookline Plaza	Opening	From Liggett Avenue to Pershing Boulevard	15-1957	4-3-1957

Name	Activity	Location	Ord. No.	Date
Brookline Plaza	Opening portion	From Clifton Avenue and from Newport Avenue to Liggett Avenue	40-1957	12-31-1957
Brookline Plaza	Establishing a radius	On the curbline at the southeast corner of Brookline Plaza and Liggett Avenue	17-1973	4-11-1971
Brookline Street	Relocating	Between Wyomissing Boulevard and Pennsylvania Avenue	64-1927	5-18-1927
Brookline Street	Widening	Between Grace Street and Wyomissing Boulevard	65-1927	5-18-1927
Brookline Street	Opening and grading	From Grace Street to Pennsylvania Avenue	166-1927	12-14-1927
Brookline Street	Vacating	From Grace Street to Angelica Street	44-1929	7-24-1929
Brookline Street	Placing on topographical survey	From Grace Street to Angelica Street	45-1929	7-24-1929
Brookline Street	Changing curb elevations and grades	From Grace Street to 160 feet east of Grace Street	46-1929	7-24-1929
Brookline Street	Stormwater sewers	From Pennsylvania Avenue to Wyomissing Boulevard	56-1929	8-7-1929
Brookline Street	Stormwater sewers	From Grace Street to the eastern end of Belt Line R.R. culvert	56-1929	8-7-1929
Brookline Street	Vacating	From Grace Street to Noble Street	67-1930	9-24-1930
Brookline Street	Vacating	Between Wyomissing Boulevard and Pennsylvania Avenue	21-1937	11-10-1937
Brookline Street	Opening	Between Noble Street and Angelica Street	18-1950	6-7-1950
Bruckman Avenue	Placing on topographical survey	From Northmont Avenue to Kerper Estate	81-1915	2-2-1916
Bruckman Avenue	Opening	From Northmont Avenue to Kerper Estate	82-1915	2-2-1916
Bruckman Avenue	Sewers	From Fairmont Avenue to Fremont Avenue	21-1932	4-13-1932

Name	Activity	Location	Ord. No.	Date
Bruckman Avenue	Vacating	From Belmont Avenue southwestward 125 feet	10-1935	4-17-1935
Bruckman Avenue	Vacating	Between the westerly building line of Fairmont Avenue and the westerly building line of Belmont Avenue	4-1959	4-22-1959
Burnside Avenue	Opening and grading	From Scott Street to Wyomissing Boulevard	38-1928	4-25-1928
Burnside Avenue	Opening	From Liggett Avenue to Pershing Boulevard	15-1957	4-3-1957
Butler Street	Vacating	From Mercer Street to the northern City line	85-1926	6-23-1926
Butler Street	Opening, grading, paving and improving	From Blair Avenue to Lackawanna Street	38-1932	6-1-1932
Butler Street	Revising the topographical survey	At the northwestern corner with Columbia Street	23-1947	8-6-1947
Butler Street	Vacating and opening	From the southeastern building corner of Columbia Street to the southern right-of-way line of the Reading Belt Railroad	31-1947	11-5-1947
Butler Street	Improving	—	55-1954	12-20-1954
Butler Street	Revising grade	Between Lehigh Street and Lackawanna Street	26-1958	8-13-1958
Butler Street	Vacating	From the north building line of Lackawanna Street to the south building line of Mercer Street	69-1969	12-32-1969
Buttonwood Street	Paving and improving	From Fourth Street to Schuylkill Avenue	22-1914	5-27-1914
Buttonwood Street	Paving and improving	From Fourth Street to Fifth Street	26-1919	5-28-1919
Buttonwood Street	Storm sewers	From Eighth Street to Ninth Street	140-1928	12-5-1928
Buttonwood Street	Vacating	From the east building line of Fourteenth Street eastward approximately 600 feet to the former eastern City boundary line	32-1935	7-31-1935

Name	Activity	Location	Ord. No.	Date
Buttonwood Street	Curb lines and grades	Southern side between Front Street and McKnight Street	33-1953	11-25-1953
Buttonwood Street	Revising grade	Between Birch Street and Linden Street	11-1962	3-28-1962
Buttonwood Street Bridge	Relocating	Relocating its southern building line and southern curbline	44-1977	10-19-1977
Buttonwood Street	Vacating	The southernmost 28 feet between River Road and a line 257.42 feet eastward along its southern building line	47-1977	12-21-1977
Buttonwood Street (south ramp)	Vacating, abandoning and removing	Between River Road and Buttonwood Street bridge intersection	41-1981	8-5-1981

Name	Activity	Location	Ord. No.	Date
Cameron Street	Opening	Between Greenway Terrace and Upland Avenue	47-1941	9-24-1941
Canal Street	Improving	Between Chestnut Street and Spruce Street	29-1941	7-2-1941
Canal Street	Vacating and removing	From the western building line of proposed Canal Street to the terminus of Chestnut Street at the eastern building line of Water Street	43-1972	10-18-1972
Canal Street	Vacating	A portion at the southwest corner of the intersection of Canal Street and South Second Street with Riverfront Drive	7-1977	3-2-1977
Canal Street	Changing alignment, width and grades	Between New Canal Street and South Street	44-1983	9-7-1983
Canal Street	Vacating, abandoning and removing	Portion of	13-1985	2-13-1985
Carbon Street	Vacating	From Mercer Street to the northern City line	85-1926	6-23-1926

Name	Activity	Location	Ord. No.	Date
Carbon Street	Changing elevations and grades	From Lehigh Street to Warren Street	117-1928	10-17-1928
Carbon Street	Opening	Between Columbia Street and Warren Street	23-1944	9-20-1944
Carbon Street	Opening	Between Blair Avenue to the Reading Belt Railroad	41-1949	8-10-1949
Carbon Street	Revising grade	Between Warren Street and Lackawanna Street	26-1958	8-13-1958
Carbon Street	Vacating	From the north building line of Lackawanna Street to the south building line of Mercer Street	69-1969	12-32-1969
Carbon Street	Vacating	Between the south building line of Columbia Street and the right-of-way line of the Reading Company	12-1975	4-9-1975
Carpenter Street	Storm sewers	From Franklin Street to Cherry Street	50-1921	9-21-1921
Carpenter Street	Storm sewers	From Bingaman Street northward 160 feet	163-1926	9-22-1926
Carpenter Street	Establishing radius	At the northeast corner with Bingaman Street a 46-foot building line radius	5-1979	2-14-1979
Carpenter Street	Widening cartway	Between Riverfront Drive and Bingaman Street from 17 feet to 22 feet	5-1979	2-14-1979
Carroll Avenue	Paving and curbing	From Belvedere Avenue to Summit Avenue	43-1928	5-9-1928
Carroll Street	Opening and grading	Between Summit Avenue and Belvedere Avenue	78-1927	6-15-1927
Carroll Street	Opening and grading	From Lancaster Avenue to point approximately 340 feet north of north building line of Gregg Avenue	79-1927	6-15-1927
Carroll Street	Changing elevation and grade	From Belvedere Street northward 260 feet	117-1927	9-14-1927
Carroll Street	Opening and grading	From Lancaster Avenue to Fern Avenue and from Park Avenue to Submit Avenue	17-1929	4-24-1929

Name	Activity	Location	Ord. No.	Date
Carroll Street	Opening and grading	From Fern Avenue to Park Avenue	18-1929	4-24-1929
Carroll Street	Paving and curbing	From Lancaster Avenue to Fern Avenue and from Park Avenue to Summit Avenue	42-1929	7-17-1929
Carroll Street	Paving and curbing	From the south building line of Fern Avenue in the north building line of Park Avenue	43-1929	7-17-1929
Carroll Street	Paving	From Lancaster Avenue to Gregg Avenue	62-1934	10-10-1934
Carroll Street	Placing on topographical survey	Between Meade Street and Wyomissing Boulevard	21-1937	11-10-1937
Carroll Street	Revising curb elevations and grades	Between Gregg Avenue and Meade Street	21-1937	11-10-1937
Carroll Street	Vacating	Between Meade Street and Grace Street	21-1937	11-10-1937
Carroll Street	Opening	Between Belvedere Avenue and Upland Avenue	14-1945	6-27-1945
Carroll Street	Opening portion	From Orrton Avenue to Upland Avenue	40-1957	12-31-1957
Cathedral Street	Opening and grading	From Front Street to a point 150 feet east of Centre Avenue	33-1928	4-18-1928
Cathedral Street	Sewers	From Front Street to Center Avenue	21-1932	4-13-1932
Cathedral Street	Renaming	Known as Berks Street east of Centre Avenue	55-1949	1949
Cedar Street	Storm sewers	From Greenwich Street north 177 feet from the north curbline of Greenwich Street to the present sewer	33-1916	4-19-1916
Cedar Street	Storm sewers	Amending Ord. No. 33-1916	44-1916	5-15-1916
Cedar Street	Sewers	From Walnut Street to Washington Street	26-1921	4-13-1921

Name	Activity	Location	Ord. No.	Date
Cedar Street	Sewers	At the 10-foot-wide alley south of Green	96-1924	11-5-1924
Cedar Street	Vacating and removing	Between a point 178.70 feet north of the northern building line of Greenwich Street and the southern building line of Oley Street on the eastern side of Cedar Street, and a point 161.58 feet north of the northern building line of Oley Street on the western side of Cedar Street	38-1966	8-3-1966
Cedar Street	Revising alignment	—	61-1966	11-30-1966
Cedar Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
Center Avenue	Sewers	From Perry Street to 340 feet south of Marion Street	21-1932	4-13-1932
Center Avenue	Sewers	From Evans Avenue to the north City line	21-1932	4-13-1932
Center Avenue	Storm sewers	From Richmond Street to Oriental Road	44-1933	10-25-1933
Centre Avenue	Paving and improving	From the Lebanon Valley Railroad to Charles Evans Cemetery	22-1914	5-27-1914
Centre Avenue	Curbing	Between Lebanon Valley Railroad Bridge and the entrance to Charles Evans Cemetery	71-1914	9-16-1914
Centre Avenue	Grading	From Charles Evans Cemetery entrance to Union Street	89-1914	12-16-1914
Centre Avenue	Storm sewers	From Exter Street to Evan's Avenue	26-1915	5-17-1915
Centre Avenue	Paving	From Woodward Street to L.V.R.R. bridge	17-1918	7-3-1918
Centre Avenue	Paving	From Charles Evans Cemetery to Bern Street	19-1921	3-30-1921
Centre Avenue	Changing lines	Between Oley Street and North Fourth Street	20-1922	3-29-1922

Name	Activity	Location	Ord. No.	Date
Centre Avenue	Widening	From Arch Street to the north City Line	115-1927	9-14-1927
Centre Avenue	Opening and grading	From Arch Street to the northern City line	33-1928	4-18-1928
Centre Avenue	Opening	From Robeson Street to Perry Street	65-1931	8-26-1931
Centre Avenue	Opening	From Evans Avenue to Arch Street	65-1931	8-26-1931
Centre Avenue	Revising topographical survey	Eastern side between Perry Street and Pike Street	16-1948	6-30-1948
Centre Avenue	Establishing grade	—	55-1949	1949
Centre Avenue	Revising topographical survey	Extending 14-foot reserve building lines on the western side from Union Street to Bern Street	26-1950	8-9-1950
Centre Avenue	Changing width	From Bern Street to Arch Street	26-1950	8-9-1950
Centre Avenue	Improving	From Station 82+14.50 to Station 94+83.40 distance of 4,368.90 feet	14-1959	7-15-1959
Centre Avenue	Changing grades	In accordance with Plan 5835	3-1972	1-26-1972
Centre Avenue	Changing alignment and grades	Between Bern Street and Richmond Street	30-1976	9-8-1976
Centre Avenue	Relocating	Western curbline between Pike Street and Amity Street 10 feet westward for a distance of 84.64 feet	43-1978	11-15-1978
Centre Avenue	Opening	Between Pike Street and Amity Street	43-1978	11-15-1978
Centre Avenue	Widening portion	Between Pike Street and Amity Street from 60 feet wide to 65 feet wide	43-1978	11-15-1978
Centre Avenue	Changing curbline and grade	Of the medial strip immediately north of Cathedral Street	47-1982	10-27-1982
Centre Avenue	Vacating, abandoning and removing	West of the medial strip between Cathedral Street and the north City line	50-1982	12-15-1982

Name	Activity	Location	Ord. No.	Date
Charles Avenue	Opening and grading	From Warren Street to Columbia Road	77-1924	9-3-1924
Charles Avenue	Removing	From Warren Street to Columbia Road	53-1955	12-21-1955
Charles Lane	Establishing width	At 20 feet between Thorn Street and North Third Street	6-1954	2-3-1954
Charles Lane	Vacating and removing	From North Third Street to Thorn Street	12-1979	4-11-1979
Cherry Street	Storm sewers	From Carpenter Street to Fourth Street	50-1921	9-21-1921
Cherry Street	Stormwater sewers	From Tenth Street eastward 350 feet	46-1925	8-12-1925
Cherry Street	Storm sewers	Between Fifth Street and Sixth Street	94-1934	1-2-1935
Cherry Street	Storm sewers	Between Fifth Street and Sixth Street	28-1936	6-3-1936
Cherry Street	Storm sewers	Between Fifth Street and Sixth Street	28-1936	6-3-1936
Cherry Street	Vacating	Between Lancaster Avenue and Gregg Avenue	2-1950	1-18-1950
Cherry Street	Changing curb grade	Between Fifth Street and Wood Street	39-1954	10-6-1954
Cherry Street	Widening	From South Second Street to South Eleventh Street	44-1954	12-1-1954
Cherry Street	Improving	From Fourth Street to Sixth Street and from Plum Street to Seventh Street	4-1955	3-16-1955
Cherry Street	Curb grades	From South Second Street to South Eleventh Street	26-1955	6-29-1955
Cherry Street	Opening and widening	From Sixth Street to Plum Street	20-1957	5-29-1957
Cherry Street	Opening and widening	From Seventh Street to Eighth Street	11-1961	5-24-1961
Cherry Street	Revising alignment	—	61-1966	11-30-1966
Cherry Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
Cherry Street	Revising curb alignment	As located in Plan 1182-A	24-1967	7-19-1967

Name	Activity	Location	Ord. No.	Date
Cherry Street	Revising topographical width and grade	Between South Fourth Street and Wood Street	32-1970	7-15-1970
Cherry Street	Vacating	From Front Street to Second Street	46-1971	12-8-1971
Cherry Street	Curbline	Southern curbline of the 700 block	37-2000	12-27-2000
Chester Street	Vacating	From Mercer Street to the northern City line	85-1926	6-23-1926
Chester Street	Opening	Between Lehigh Street and Warren Street	29-1954	6-23-1954
Chester Street	Vacating and removing	Between Columbia Street and the right-of-way of the Reading Belt of the Reading Railroad Company	45-1955	10-5-1955
Chester Street	Opening portion	From Blair Avenue to Erie Street	40-1957	12-31-1957
Chester Street	Opening	From Columbia Street to Lehigh Street	19-1960	5-4-1960
Chester Street	Opening	Between the southern building line of Erie Street to the southern building line of Elk Street	17-1965	3-24-1965
Chester Street	Opening	From the south building line of Lackawanna Street to a point 161.46 feet south along the west building line and a point 155.75 feet south along the east building line Chester Street	28-1966	6-1-1966
Chester Street	Vacating and removing	From the north building line of Lackawanna Street to the south building line of Mercer Street	36-1966	7-20-1966
Chester Street	Opening	From the north building line of Warren Street to the south building line of Lackawanna Street	10-1967	5-3-1967
Chester Street	Opening	Between the north building line of Lackawanna Street and the south building line of Mercer Street	23-1973	5-30-1973

Name	Activity	Location	Ord. No.	Date
Chester Street	Revising curb grade	From Mercer Street southward 245 feet	27-1974	7-10-1974
Chester Street	Changing curb grades	Between Lackawanna Street and Warren Street	18-1976	5-5-1976
Chestnut Avenue	Vacating	Between Mineral Springs Road and Hill Road	83-1924	9-24-1924
Chestnut Street	Paving and improving	From Ninth Street to Tenth Street	22-1914	5-27-1914
Chestnut Street	Paving and improving	Where necessary	38-1916	4-26-1916
Chestnut Street	Paving and improving	From Canal Street to Second Street	30-1917	5-23-1917
Chestnut Street	Paving	From Fifth Street to Seventh Street	19-1921	3-30-1921
Chestnut Street	Paving and improving	From Second Street to Canal Street	30-1922	5-17-1922
Chestnut Street	Paving and improving	From Third Street to Fourth Street	30-1922	5-17-1922
Chestnut Street	Stormwater sewers	From Front Street to Second Street	50-1929	7-3-1929
Chestnut Street	Changing curb elevation and grade	From Perkiomen Avenue to South Thirteenth Street	6-1947	4-16-1947
Chestnut Street	Improving	Of a portion of SR 310 from Station 31+81 to Station 42+76 a distance of 1,095 feet	17-1957	4-17-1957
Chestnut Street	Improving	From Second Street to Fourth Street	24-1957	6-5-1957
Chestnut Street	Realigning the building line	From Second Street to Front Street	1-1971	1-13-1971
Chestnut Street	Vacating and removing	Between the west building line of South Second Street and the east building line of Canal Street	27-1972	6-14-1972
Chestnut Street	Vacating and removing	From the western building line of proposed Canal Street to the terminus of Chestnut Street at the eastern building line of Water Street	43-1972	10-18-1972

Name	Activity	Location	Ord. No.	Date
Church Street	Vacating	From Berks Street to the old northern City line	80-1915	2-2-1916
Church Street	Sewers	From Walnut Street southward about 290 feet	28-1922	5-3-1922
Church Street	Vacating	From Union Street to unnamed street north of Union Street	98-1929	1-15-1930
Church Street	Vacating	From Amity Street to Union Street	50-1931	7-15-1931
Church Street	Sewers	From Robeson Street to Amity Street	21-1932	4-13-1932
Clarion Street	Vacating	From Mercer Street to the northern City line	85-1926	6-23-1926
Clarion Street	Opening	Between Lehigh Street and Warren Street	19-1949	6-1-1949
Clarion Street	Opening portion	From Lehigh Street to Columbia Street	40-1957	12-31-1957
Clarion Street	Opening	From Columbia Street to Potter Street	20-1961	8-23-1961
Clarion Street	Opening	Between the north building line of Blair Avenue and the south right-of-way of the Reading Company Belt Railroad	20-1965	3-24-1965
Clarion Street	Opening	From the south building line of Lackawanna Street to a point 132.44 feet south along the west building line and a point 126.73 feet south along the east building line of Clarion Street	28-1966	6-1-1966
Clarion Street	Vacating and removing	From the north building line of Lackawanna Street to the south building line of Mercer Street	36-1966	7-20-1966
Clarion Street	Opening	From the north building line of Warren Street and a point 403.27 feet north along the east building line and a point 397.56 feet north along the west building line of Clarion Street	56-1966	11-2-1966

Name	Activity	Location	Ord. No.	Date
Clarion Street	Vacating, abandoning and removing	From the southern building line of Columbia Street extended to the northern building line of Potter Street extended	27-1995	3-1-1995
Clarion Street	Vacating and removing	From the northern boundary of the right-of-way of Warren Street to a point 420 feet north	4-1998	2-23-1998
Clifton Avenue	Opening and grading	From Gregg Avenue to Brookline Plaza	38-1928	4-25-1928
Clifton Avenue	Opening and grading	From Gregg Avenue to Brookline Drive	9-1929	2-20-1929
Clinton Street	Vacating	From the north building line of Lafayette Street to the Lebanon Valley Railroad	66-1914	12-23-1914
Clinton Street	Vacating	From the northern line of the Lebanon Valley Railroad right-of-way and the south line of 10-foot alley south of Greenwich Street	81-1914	12-2-1914
Clinton Street	Vacating	Southward for a distance of 153 feet from the southern building line of Bayonne Street	27-1916	4-19-1916
Clinton Street	Vacating	Between Bayonne Street and Buttonwood Street	43-1919	9-10-1919
Clinton Street	Opening, grading and improving	Between West Oley Street and West Douglass Street	13-1921	4-6-1921
Clinton Street	Opening and grading	From 100 feet south of Oley Street to River Road	51-1931	7-15-1931
Clinton Street	Revising curb elevations and grades	From West Oley Street to West Douglass Street	67-1931	8-26-1931
Clinton Street	Sewers	From West Greenwich Street to River Road	21-1932	4-13-1932
Clinton Street	Changing curb	Between West Greenwich Street and River Road	54-1969	10-1-1969

Name	Activity	Location	Ord. No.	Date
Clover Street	Placing on topographical survey	From Exeter Street to a point 226 feet north of the north building line	64-1931	8-26-1931
Clover Street	Opening and grading	From Exeter Street to 226 feet north of north building line of Exeter Street	66-1931	8-26-1931
Clover Street	Sewers	From Exeter Street northward 230 feet	21-1932	4-13-1932
Clover Street	Opening	Between Oley Street and Windsor Street	46-1942	11-18-1942
Clover Street	Placing on topographical survey	From Windsor Street to Spring Street	35-1943	12-22-1943
Clover Street	Opening	Between Spring Street and Windsor Street	1-1944	1-12-1944
Clover Street	Opening	Between Spring Street and Robeson Street	22-1947	8-6-1947
Clymer Street	Storm sewers	From Spring Road to Good Street	60a-1913	3-18-1914
Clymer Street	Paving and improving	At the intersection of Clymer Street and Mineral Spring Road	26-1919	5-28-1919
Clymer Street	Paving	At the intersection of Clymer Street and Hill Road	52-1921	10-3-1921
Clymer Street	Improving	At intersection with Hill Road to the intersection of Twelfth Street and Walnut Street	8-1938	4-6-1938
Clymer Street	Revising topographical survey	Establishing reserve building lines on the eastern side from Mineral Spring Road to Hill Road	2-1949	3-9-1949
College Avenue	Grading	Between Thirteenth Street and Palm Street	35-1917	7-3-1917
College Avenue	Opening and grading	Between Thirteenth Street and Palm Street	36-1917	7-3-1917
College Avenue	Opening, grading and improving	Between Bern Street and Hampden Boulevard	6-1925	1-28-1925

Name	Activity	Location	Ord. No.	Date
College Avenue	Changing curb elevations and grades	From Fourteenth Street to Hampden Boulevard	39-1931	6-10-1931
College Avenue	Naming	Formerly known as Richmond Street from Sixteenth Street to Hampden Boulevard	78-1931	10-7-1931
College Avenue	Sewers	From Hampden Boulevard to Bern Street	21-1932	4-13-1932
Colston Street	Naming	Formerly known as Avenue "C"	22-1942	7-8-1942
Columbia Road	Opening and grading	From Baer Street to Berkshire Drive	77-1924	9-3-1924
Columbia Road	Removing from topographical survey	Between Baer Street and Greenview Avenue	33-1939	8-2-1939
Columbia Road	Vacating and removing	In its entirety	6-1959	4-30-1959
Columbia Street	Opening	Between Schuylkill Avenue and Clarion Street	15-1942	5-6-1942
Columbia Street	Revising the topographical survey	At the northwestern corner with Butler Street	23-1947	8-6-1947
Columbia Street	Vacating and opening	From the western building line of Butler Street to a point 25 feet west therefrom	31-1947	11-5-1947
Columbia Street	Opening portion	From Monroe Street to Clarion Street	40-1957	12-31-1957
Columbia Street	Opening	Between the east building line of Montgomery Street and the west building line of Monroe Street	18-1965	3-24-1965
Cotton Street	Renaming	Known as Woodvale Avenue	62-1914	9-2-1914
Cotton Street	Paving and improving	From Ninth Street to Tenth Street	18-1915	4-14-1915
Cotton Street	Paving and improving	From the west building line of Fourteenth Street to the east curbline of Nineteenth Street	38-1916	4-26-1916

Name	Activity	Location	Ord. No.	Date
Cotton Street	Changing curb elevations and grades	On the northern side from South Seventeenth Street to South Eighteenth Street	26-1943	10-20-1943
Court Street	Paving and improving	From Front Street to Second Street	18-1915	4-14-1915
Court Street	Stormwater sewers	From Seventh Street eastward approximately 100 feet	50-1929	7-3-1929
Court Street	Widening	From Sixth Street to Reed Street	61-1932	9-21-1932
Court Street	Opening and widening	From Third Street to Rose Street	17-1963	6-19-1963
Court Street	Revising alignment		61-1966	11-30-1966
Court Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
Court Street	Revising curb alignment	As located in Plan 1182-A	24-1967	7-19-1967
Court Street	Widening and opening	From Rose Street to Fourth Street	56-1968	11-27-1968
Court Street	Revising sidewalk width and grades	From Rose Street to Fourth Street	56-1969	10-8-1969
Court Street	Widening and opening	From the east building line of Thorn Street to Third Street	11-1977	5-18-1977
Court Street	Widening, revising and opening	Between North Second Street and Thorn Street	46-1977	12-21-1977
Court Street	Opening	Between North Second Street and Thorn Street	4-1978	1-25-1978
Court Street	Vacating	Between North Front Street and North Second Street	63-1978	1-4-1978
Court Street	Changing alignment, width and grades	Between North Fourth Street and Madison Avenue	5-1982	2-17-1982
Coventry Way	Accepting	In the east bank area of the Schuylkill Urban Renewal Project	12-2000	7-10-2000

Name	Activity	Location	Ord. No.	Date
Crescent Avenue	Placing on topographical survey	From Hoffer Avenue to western City line	81-1915	2-2-1916
Crescent Avenue	Opening	From Hoffer Avenue to western City line	82-1915	2-2-1916
Crescent Avenue	Storm sewers	From Fifth Street eastward approximately 140 feet	96-1929	12-11-1929
Crescent Avenue	Storm sewers	From Fifth Street to Fremont Avenue	48-1931	6-3-1931
Crescent Avenue	Sewers	From Fifth Street to Hoffer Avenue	21-1932	4-13-1932
Crescent Avenue	Paving and curbing	From Fifth Street to Hoffer Avenue	34-1934	7-11-1934
Crestmont Street	Opening and grading	From Belvedere Avenue to Prospect Avenue	32-1928	4-18-1928
Crestmont Street	Opening and grading	From Fern Avenue to Park Avenue	15-1929	4-17-1929
Crestmont Street	Opening and grading	From Lancaster Avenue to Fern Avenue	41-1929	7-17-1929
Crestmont Street	Opening and grading	From Park Avenue to Summit Avenue	41-1929	7-17-1929
Crestmont Street	Paving and curbing	From Lancaster Avenue to Belvedere Avenue	52-1930	7-30-1930
Crestmont Street	Opening	Between Upland Avenue and Belvedere Avenue	53-1946	10-23-1946
Crestmont Street	Opening	Between Orrton Avenue and Upland Avenue	38-1948	9-15-1948
Croyden Terrace	Accepting	In the east bank area of the Schuylkill Urban Renewal Project	12-2000	7-10-2000

Name	Activity	Location	Ord. No.	Date
Daniels Avenue	Opening	Between Lancaster Avenue and south City line	16-1958	6-18-1958
Darien Street	Opening and grading	From Lackawanna Street to Mercer Street	77-1924	9-3-1924
Darien Street	Opening	Between Mercer Street and Lackawanna Street	52-1941	10-1-1941
Deem Street	Sewers	From manhole on Lemon Street westward approximately 193 feet in House Sewer District No. 1	72-1924	7-23-1924

Name	Activity	Location	Ord. No.	Date
DeHarts Court	Changing elevations and grades	From Windsor Street southward 271 feet	162-1926	9-29-1926
DeHarts Court	Grading and paving	From the north building line of Robeson Street to the south building line of Marion Street	38-1970	8-19-1970
DeHarts Place	Opening	Between Douglass Street and Windsor Street	24-1945	9-26-1945
Delta Avenue	Placing on topographical survey	From the eastern City line to Belmont Avenue	81-1915	2-2-1916
Delta Avenue	Opening	From the eastern City line to Belmont Avenue	82-1915	2-2-1916
Delta Avenue	Storm sewers	From Fremont Avenue to Raymond Avenue	48-1931	6-3-1931
Delta Avenue	Sewers	From Fremont Avenue to the east City line	21-1932	4-13-1932
Delta Avenue	Paving and curbing	From Raymond Avenue to the City line	34-1934	7-11-1934
Denton Street	Naming	Formerly known as Avenue "D"	22-1942	7-8-1942
Dickman Street	Vacating	From Alexander Street to Pershing Boulevard	37-1928	4-25-1928
Dick Street	Paving and improving	From the east building line of Seventh Street to Poplar Street	38-1916	4-26-1916
Dick Street	Opening	From the east building line of Reed Street eastward to the west building line of North Seventh Street	42-1969	9-24-1969
Division Street	Opening and grading	From Buttonwood Street to Schuylkill Street	76-1930	10-29-1930
Division Street	Widening	Between Buttonwood Street and proposed Lafayette Street	20-1978	5-31-1978
Douglass Street	Storm sewers	From Schuylkill Avenue to Lincoln Avenue	60a-1913	3-18-1914
Douglass Street	Paving and improving	From Third Street to Centre Avenue	30-1922	5-17-1922
Douglass Street	Paving and improving	From Front Street to Second Street	62-1924	7-16-1924

Name	Activity	Location	Ord. No.	Date
Douglass Street	Paving	Between Front Street and Second Street	63-1924	7-16-1924
Douglass Street	Vacating	Between the eastern building line of Thirteenth Street and the eastern building line of Palm Street	23-1925	5-6-1925
Douglass Street	Vacating	Between the western line of Clinton Street and a point 50 feet east of the eastern right-of-way of the Schuylkill and Lehigh Railroad	39-1925	12-9-1925
Douglass Street (West)	Sewers	From Lincoln Street to Clinton Street	21-1932	4-13-1932
Douglass Street	Relocation and opening	Between River Road and the Schuylkill River	39-1957	12-18-1957
Douglass Street	Vacating	Between River Road and the Schuylkill River	39-1957	12-18-1957
Douglass Street	Revising grade	Between Hampden Boulevard and Thirteenth Street	11-1962	3-28-1962
Downing Street	Opening, grading and improving	Between West Road and East Road	23-1923	4-11-1923
Durham Street	Naming	Formerly known as Avenue "D" *Updated by Ord. No. 27-2011	22-1942	7-8-1942

Name	Activity	Location	Ord. No.	Date
East Laurel Street	Vacating	Between Tenth Street and South Street	14-1919	4-2-1919
Eastman Street	Naming	Formerly known as East Road	22-1942	7-8-1942
Eastman Street	Opening	As located on Plan No. 6041	11-1964	4-1-1964
Eastman Street	Vacating	As located on Plan No. 6041	11-1964	4-1-1964
Eastman Street	Vacating and removing from topographical survey	Between the start of York Street and the end of York Street	27-2011	6-27-2011

Name	Activity	Location	Ord. No.	Date
East McKnight Street	Vacating	From 343 feet north of the north building line of Bern Street to the north City line	112-1927	9-14-1927
East Nineteenth Street	Renaming	Known as Woodvale Avenue	62-1914	9-2-1914
East Road	Renaming	Known as Eastman Street between Avenue "D" and Avenue "A"	22-1942	7-8-1942
East Wyomissing Boulevard	Vacating	From the east building line of Carroll Street to a line at right angles to the point of curve of the property lines at the intersection of East Wyomissing Boulevard and Gregg Avenue	18-1971	5-5-1971
East Wyomissing Boulevard	Vacating/ altering	Between Lancaster Avenue and Brookline Street	1-2008	1-14-2008
Eberly Street	Placing on topographical survey	From Morgantown Road to Hazel Street	97-1927	8-3-1927
Eberly Street	Vacating	From Morgantown Road to Hazel Street	187-1927	12-28-1927
Eberly Street	Placing on topographical survey	From Morgantown Road to Hazel Street	188-1927	12-28-1927
Eberly Street	Opening and grading	From Morgantown Road to Hazel Drive	189-1927	12-28-1927
Eckert Avenue	Placing on topographical survey	From Clymer Street eastwardly a distance of 1,100 feet	39-1917	7-11-1917
Eckert Avenue	Opening	From Clymer Street eastwardly a distance of 1,100 feet	40-1917	7-11-1917
Eckert Street	Grading	Between West Douglass Street and West Windsor Street	22-1918	8-14-1918
Eckert Avenue	Opening, grading and improving	Between Hessian Road and property of George W. Green, et al	20-1925	4-22-1925
Eckert Avenue	Placing on topographical survey	From a point east of south Seventeenth Street northward from Mineral Spring Road	91-1926	7-27-1926

Name	Activity	Location	Ord. No.	Date
Eckert Avenue	Opening, grading and improving	Between a point east of the theoretical projection of south Seventeenth Street northward and a point approximately 700 feet westward	147-1926	8-18-1926
Eckert Avenue	Extending	From south building line of Hessian Road to north building line of Mineral Spring Road	103-1927	8-31-1927
Eckert Avenue	Placing on topographical survey	A portion approximately 300 feet in length located between the northward projections of South Sixteenth Street and South Seventeenth Street	104-1927	8-31-1927
Eckert Avenue	Grading and paving	Approximately 300 feet in length between the northward projections of South Sixteenth Street and South Seventeenth Street	180-1927	12-31-1927
Eckert Street	Opening and grading	From West Douglass Street to West Windsor Street	66-1931	8-26-1931
Eckert Street	Changing curb elevation and grade	West curb from northwest corner of West Douglass Street northward a distance of 283 feet	7-1946	2-27-1946
Eckert Street	Vacating	As located on Plan No. 6041	11-1964	4-1-1964
Eighteenth Street	Changing curb elevations and grades	From Hampden Boulevard to the north City line	41-1931	6-10-1931
Eighteenth Street	Sewers	From 50 feet south of Mineral Spring Road to Haak Street	92-1931	10-7-1931
Eighteenth Street	Revising elevations and grades	From Hampden Boulevard to the north City line	74-1934	12-5-1934
Eighteenth Street	Revising grade	From Fairview Street southward 540 feet	17-1961	7-26-1961
Eighth Street	Storm sewers	From Franklin to Chestnut	60a-1913	3-18-1914
Eighth Street	Paving and improving	From Buttonwood Street to Oley Street	22-1914	5-27-1914

Name	Activity	Location	Ord. No.	Date
Eighth Street	Paving	From Spring Street to the present brick paving at junction with Ninth Street	51-1914	7-29-1914
Eighth Street	Paving and improving	From Douglass Street to Spring Street	18-1915	4-14-1915
Eighth Street	Paving and improving	—	18-1915	4-14-1915
Eighth Street	Paving and improving	From Washington Street to Walnut Street	44-1915	8-10-1915
Eighth Street	Paving and improving	Where necessary	38-1916	4-26-1916
Eighth Street	Repairing	As necessary	30-1917	5-23-1917
Eighth Street	Storm sewers	From Buttonwood Street southward 350 feet	140-1928	12-5-1928
Eighth Street	Streetlighting	At Eighth Street and Washington Street around the new City Hall	22-1929	4-17-1929
Eighth Street	Storm sewers	From Oley Street northward 145 feet thence eastward to Lance Place	82-1931	9-9-1931
Eighth Street	Improving	From Spring Street to Bingaman Street	27-1934	5-2-1934
Eighth Street	Storm sewers	From Penn Street to Court Street	33-1934	5-29-1934
Eighth Street	Storm sewers	Amended Ord. No. 33-1934	39-1934	6-20-1934
Eisenbrown Street	Sewers	From West Greenwich Street to West Oley Street	21-1932	4-13-1932
Elder Street	Vacating	Between Bern Street and Pricetown Road	26-1917	5-23-1917
Elder Street	Opening, grading and improving	Between Bern Street and Rockland Street	6-1925	1-28-1925
Elder Street	Opening and grading	From College Avenue to 230 feet north of Rockland Street	8-1931	3-4-1931
Elder Street	Changing width	From a point 230 feet north of Rockland Street to the north City line	37-1931	6-10-1931
Elder Street	Changing width	From Bern Street to a point 230 feet north of Rockland Street	38-1931	6-10-1931

Name	Activity	Location	Ord. No.	Date
Elder Street	Changing curb elevations and grades	From Bern Street to 230 feet north of Rockland Street	40-1931	6-10-1931
Elder Street	Changing curb elevations and grades	From 230 feet north of Rockland Street to the north City line	41-1931	6-10-1931
Elder Street	Vacating	From Perry Street southward approximately 135 feet	14-1932	4-27-1932
Elder Street	Sewers	From Bern Street to Rockland Street	21-1932	4-13-1932
Elder Street	Vacating portion	From a point 230 feet north of the north building line of Rockland Street to the north City line and North Eighteenth Street from Hampden Boulevard to the north City line and Berks Street from North Fifteenth Street to Hampden Boulevard	7-1962	2-14-1962
Eleventh Street	Paving and improving	From the north building line of Washington Street to the south building line of Walnut Street	38-1916	4-26-1916
Eleventh Street	Paving and improving	Intersection of Eleventh Street and Greenwich Street	26-1919	5-28-1919
Eleventh Street	Paving and improving	From Walnut Street to the north building line of Buttonwood Street	26-1919	5-28-1919
Eleventh Street	Paving and improving	From Buttonwood Street to Douglass Street	30-1922	5-17-1922
Eleventh Street	Paving and improving	From Douglass Street to Windsor Street	36-1922	7-19-1922
Eleventh Street	Sewers	Between Union Street and Exeter Street	31-1923	5-29-1923
Eleventh Street	Storm sewers	Between Green Street and Amity Street	28-1934	5-2-1934
Eleventh Street	Curblines and grades	At the northwest corner of Eleventh Street and Perkiomen Avenue	34-1974	8-15-1974

Name	Activity	Location	Ord. No.	Date
Elkton Street	Naming	Formerly known as Avenue "E"	22-1942	7-8-1942
Ellery Street	Opening and grading	From Park Avenue to Summit Avenue	88-1929	12-4-1929
Ellery Street	Vacating	From Fern Avenue to Park Avenue	89-1929	12-4-1929
Ellery Street	Widening	From Park Avenue to Summit Avenue	48-1930	7-23-1930
Ellery Street	Paving and curbing	From Park Avenue to Summit Avenue	52-1930	7-30-1930
Elm Street	Storm sewers	From Rose Street and Elm Street to West Elm Street and the Schuylkill Canal	21-1915	4-21-1915
Elm Street	Paving and improving	From Sixth Street to Reed Street	44-1915	8-10-1915
Elm Street	Paving and improving	From Fifth Street to Sixth Street	26-1919	5-28-1919
Elm Street	Paving	From Fourth Street to Fifth Street	19-1921	3-30-1921
Elm Street	Sewers	From Ninth Street to Tenth Street	28-1922	5-3-1922
Elm Street	Paving and improving	From Eighth Street to Tenth Street	30-1922	5-17-1922
Elm Street	Storm sewers	From Tenth Street to Eleventh Street	177-1926	11-3-1926
Elm Street	Paving	Between Tenth Street and Twelfth Street	53-1927	4-6-1927
Elm Street	Opening and grading	From Thirteenth Street to Palm Street	61-1931	8-19-1931
Elm Street	Revising grade	Between Birch Street and Linden Street	11-1962	3-28-1962
Elm Street	Vacating and removing	Between North Eighth Street and a 15-foot-wide alley extending to Walnut Street	28-1962	10-3-1962
Elm Street	Vacating	Between Poplar Street and a 15-foot-wide alley between Poplar Street and Eighth Street	21-1966	5-25-1966
Erie Street	Opening portion	From Chester Street to Montgomery Street	40-1957	12-31-1957

Name	Activity	Location	Ord. No.	Date
Evans Avenue	Vacating	From the east side of Thorn Street to the south side of Exeter Street	6-1954	2-3-1954
Evans Avenue	Revising grade	Between Centre Avenue and Thorn Street	28-1958	8-13-1958
Evans Avenue	Changing grades	In accordance with Plan No. 5835	3-1972	1-26-1972
Evergreen Road	Opening and grading	From Old Wyomissing Road to Parkside Drive south	53-1929	8-7-1929
Exeter Street	Grading and paving	Between Third Street and Fourth Street	19-1917	4-25-1917
Exeter Street	Opening, grading and paving	Between Palm Street and Pricetown Road	29-1917	5-23-1917
Exeter Street	Vacating	Between Fourteenth Street and Palm Street	37-1917	6-20-1917
Exeter Street	Vacating	Between Front Street and McKnight Street	58-1917	11-21-1917
Exeter Street	Paving	From Kutztown Road to Eleventh Street	19-1921	3-30-1921
Exeter Street	Changing lines	At the northwest corner of Exeter Street and Kutztown Road	46-1921	8-17-1921
Exeter Street	Sewers	Between Eleventh Street and Thirteenth Street	31-1923	5-29-1923
Exeter Street	Vacating	Between Palm Street and Fifteenth Street	94-1924	11-12-1924
Exeter Street	Vacating	Between Oak Lane and the eastern City line	95-1924	11-12-1924
Exeter Street	Vacating	From Fourth Street to Fifth Street	175-1927	12-31-1927
Exeter Street	Placing on topographical survey	From Fourth Street to Fifth Street	176-1927	12-31-1927
Exeter Street	Revising elevations and grades	From Church Street to Union Street	179-1927	12-31-1927
Exeter Street	Opening	From Kutztown Road to Tenth Street	65-1931	8-26-1931
Exeter Street	Sewers	From Third Street to Front Street	21-1932	4-13-1932

Name	Activity	Location	Ord. No.	Date
Exeter Street	Sewers	From Eleventh Street to Kutztown Road	21-1932	4-13-1932
Exeter Street	Vacating	Between the east building line of Fifth Street and the west building line of Sixth Street	21-1968	4-17-1968
Exeter Street	Changing grades	In accordance with Plan No. 5835	3-1972	1-26-1972
Exeter Street	Vacating, abandoning and removing	Between North Fourth Street and North Fifth Street	94-1986	12-3-1986
Exter Street	Storm sewers	From Third Street to Centre Avenue	26-1915	5-17-1915

Name	Activity	Location	Ord. No.	Date
Fairmont Avenue	Changing elevations and grades	From Alton Avenue to Bruckman Avenue	96-1928	8-1-1928
Fairmont Avenue	Opening and grading	From Delta Avenue to the north City line	51-1931	7-15-1931
Fairmont Avenue	Sewers	From 14-foot alley south of Alton Avenue to the north City line	21-1932	4-13-1932
Fairmont Avenue	Paving	From Alton Avenue to Delta Avenue	9-1935	4-17-1935
Fairmount Avenue	Placing on topographical survey	From Northmont Avenue to the northern City line	81-1915	2-2-1916
Fairmount Avenue	Opening	From Northmont Avenue to the northern City line	82-1915	2-2-1916
Fairview Street	Grading	From Sixteenth and one-half Street to Seventeenth Street	64-1955	12-28-1955
Farr Place	Placing on topographical survey	From Farr Road by circular alignment to Farr Road	74-1929	11-13-1929
Farr Place	Opening and grading	From Farr Road by circular alignment to Farr Road	95-1929	1-8-1930
Farr Place	Curblines and grades	On the northerly curbline between its two intersections with Farr Road	48-1952	11-12-1952

Name	Activity	Location	Ord. No.	Date
Farr Road	Placing on topographical survey	From Wyomissing Boulevard to the west City line	74-1929	11-13-1929
Farr Road	Opening and grading	From Wyomissing Boulevard to the west City line	95-1929	1-8-1930
Farr Road	Revising grade	Between Farr Place and the southwestern City line	6-1960	2-10-1960
Fern Avenue	Opening and grading	From Carroll Street to Noble Street	8-1929	2-20-1929
Fern Avenue	Opening and grading	From Grace Street to Noble Street	15-1929	4-17-1929
Fern Avenue	Opening and grading	From Morgantown Road to Carroll Street	41-1929	7-17-1929
Fern Avenue	Opening and grading	From Noble Street to Angelica Street	41-1929	7-17-1929
Fern Avenue	Storm sewers	From Bartlett Street to Crestmont Street	35-1930	5-7-1930
Fern Avenue	Paving and curbing	From Morgantown Road to Angelica Street	52-1930	7-30-1930
Fern Avenue	Vacating	Between Jackson Street and Reading Belt Railroad	3-1950	3-1-1950
Fern Avenue	Vacating	From the western building line of Angelica Street to the eastern right-of-way line of the Reading Railroad Belt Line Division (now Conrail)	24-1977	7-6-1977
Fern Street	Vacating	Between Rockland Street and Hampden Boulevard	7-1925	1-28-1925
Fern Street	Opening and grading	From Rockland Street to 230 feet north of Rockland Street	8-1931	3-4-1931
Fern Street	Renaming	Known as Fernwood Street from Rockland Street to the north City line	36-1931	6-10-1931
Fernwood Street	Naming	Formerly Fern Street from Rockland Street to the north City line	36-1931	6-10-1931
Fernwood Street	Changing width	From a point 230 feet north of Rockland Street to the north City line	37-1931	6-10-1931

Name	Activity	Location	Ord. No.	Date
Fernwood Street	Changing width	From Rockland Street to a point 230 feet north of Rockland Street	38-1931	6-10-1931
Fernwood Street	Changing curb elevations and grades	From Rockland Street northward 230 feet	40-1931	6-10-1931
Fernwood Street	Changing curb elevations and grades	From 230 feet north of Rockland Street to the north City line	41-1931	6-10-1931
Fernwood Street	Sewers	From Rockland Street north 220 feet	21-1932	4-13-1932
Fernwood Street	Revising elevations and grades	From Rockland Street to the north City line	74-1934	12-5-1934
Fernwood Street	Vacating and removing	North 230 feet of the intersection with Rockland Street	56-1956	12-19-1956
Fernwood Street	Vacating portion	From a point 230 feet north of the north building line of Rockland Street to the north City line and North Eighteenth Street from Hampden Boulevard to the north City line and Berks Street from North Fifteenth Street to Hampden Boulevard	7-1962	2-14-1962
Fifteenth Street	Vacating	Between Amity Street and Pricetown Road	50a-1913	3-11-1914
Fifteenth Street	Opening, grading and paving	Between Amity Street and Bern Street	29-1917	5-23-1917
Fifteenth Street	Opening, grading and improving	Between College Avenue and Rockland Street	6-1925	1-28-1925
Fifteenth Street	Opening, grading and improving	Between Bern Street and College Avenue	6-1925	1-28-1925
Fifteenth Street	Opening, grading and improving	Between Exeter Street and Bern Street	6-1925	1-28-1925
Fifteenth Street	Opening and grading	From College Avenue to 230 feet north of Rockland Street	8-1931	3-4-1931

Name	Activity	Location	Ord. No.	Date
Fifteenth Street	Changing curb elevations and grades	From College Avenue to 230 feet north of Rockland Street	40-1931	6-10-1931
Fifteenth Street	Changing curb elevations and grades	From 230 feet north of Rockland Street to the north City line	41-1931	6-10-1931
Fifteenth Street	Vacating	From Perry Street southward to a point approximately 375 feet south of Robeson Street	14-1932	4-27-1932
Fifteenth Street	Sewers	From 110 feet south of College Avenue to Rockland Street	21-1932	4-13-1932
Fifth Street	Paving	From Woodward Street to Lebanon Valley Railroad	51-1914	7-29-1914
Fifth Street	Paving and improving	—	18-1915	4-14-1915
Fifth Street	Paving and improving	From S.S.L.V.R.R. bridge to N.B.L. of Greenwich	44-1915	8-10-1915
Fifth Street	Repairing	As necessary	30-1917	5-23-1917
Fifth Street	Paving	From Buttonwood Street to Woodward Street	19-1921	3-30-1921
Fifth Street	Opening	From Richmond Street to the northern City line north of Berks Street	172-1927	12-31-1927
Fifth Street	Opening	From the southwestern City line of Northmont to the northern City line of Northmont	172-1927	12-31-1927
Fifth Street	Vacating	From 260 feet south of Amity to Bern Street	175-1927	12-31-1927
Fifth Street	Placing on topographical survey	From 260 feet south of Amity to Bern Street	176-1927	12-31-1927
Fifth Street	Revising elevations and grades	From Pike Street northward 220 feet	179-1927	12-31-1927
Fifth Street	Revising elevations and grades	From Bern Street northward 208 feet	179-1927	12-31-1927
Fifth Street	Storm sewers	From Richmond Street to Delta Avenue	96-1929	12-11-1929

Name	Activity	Location	Ord. No.	Date
Fifth Street	Revising elevations and grades	From Pike Street to the northern City line	45-1930	7-16-1930
Fifth Street	Opening	From Pike Street to Richmond Street	46-1930	7-16-1930
Fifth Street	Curbs, gutters and sidewalks	From Richmond Street to the northern City line in Northmont	16-1931	3-4-1931
Fifth Street	Sewers	From Bern Street to Richmond Street	21-1932	4-13-1932
Fifth Street	Sewers	From Robeson Street to Amity Street	21-1932	4-13-1932
Fifth Street	Revising curb elevations and grades	On the west side from Spring Street northward approximately 115 feet, and on the north side of Spring Street from Fifth Street westward approximately 107 feet	44-1938	11-2-1938
Fifth Street	Improving	SR 157-18 from Station 26+94 to Station 60+12, a distance of 3,318 feet	2-1958	1-22-1958
Fifth Street	Revising grade	Between Pike Street and Bern Street	10-1961	5-24-1961
Fifth Street	Establishing curblines	At the northeast corner of Fifth Street and Washington Street	50-1974	11-6-1974
Fifth Street	Establishing curblines	At the southwest corner of Fifth Street and Walnut Street	50-1974	11-6-1974
First Hockley Lane	Vacating	From Second Street to Third Street	99-1931	12-9-1931
Floyd Street	Opening and grading	From Park Avenue to Summit Avenue	88-1929	12-4-1929
Floyd Street	Paving and curbing	From Park Avenue to Summit Avenue	52-1930	7-30-1930
Floyd Street	Vacating	Between Park Avenue and Summit Avenue	60-1930	9-3-1930
Forest Street	Establishing	A 30-foot street between Sixteenth Street and Hoskins Place	13-1923	3-23-1923

Name	Activity	Location	Ord. No.	Date
Forest Street	Opening, grading, and improving	Between Sixteenth Street and Hoskins Place	14-1923	3-23-1923
Forest Street	Grading, guttering and paving	Between Hoskins Place and Sixteenth Street	75-1924	8-6-1924
Forest Street	Changing grades	Between South Eighteenth Street and South Nineteenth Street	59-1973	11-28-1973
Fourteenth and one-half Street	Grading	Between Cotton Street and Fairview Street	19-1914	5-27-1914
Fourteenth Street	Opening	Between Pricetown Road and Pike Street	20-1914	5-27-1914
Fourteenth Street	Vacating	Between Rosemont Boulevard and the northern City line	66-1915	12-1-1915
Fourteenth Street	Opening, grading and paving	Between Amity Street and Union Street	29-1917	5-23-1917
Fourteenth Street	Vacating	From Union Street to the southern side of a proposed new street named College Avenue	37-1917	6-20-1917
Fourteenth Street	Opening, grading and improving	Between College Avenue and Rockland Street	6-1925	1-28-1925
Fourteenth Street	Vacating	Between the northern building line of Oley Street and the southern building line of Windsor Street	23-1925	5-6-1925
Fourteenth Street	Opening and grading	From College Avenue to 230 feet north of Rockland Street	7-1931	3-4-1931
Fourteenth Street	Changing curb elevations and grades	From College Avenue to 230 feet north of Rockland Street	39-1931	6-10-1931
Fourteenth Street	Changing curb elevations and grades	From 230 feet north of Rockland Street to the north City line	41-1931	6-10-1931
Fourteenth Street	Changing curb elevations and grades	From College Avenue to Rockland Street	88-1931	10-28-1931

Name	Activity	Location	Ord. No.	Date
Fourteenth Street	Sewers	From College Avenue to Rockland Street	21-1932	4-13-1932
Fourteenth Street	Vacating	From Hampden Boulevard southward to Windsor Street	14-1932	4-27-1932
Fourteenth Street	Vacating	Between the north building line of Greenwich Street and the south building line of Oley Street	50-1968	10-9-1968
Fourteenth Street	Changing alignment, width and grades	Between Green Street and Buttonwood Street	10-1980	2-20-1980
Fourth Street	Water pipe	From a point north of Elm Street to Walnut Street to a point between Fourth Street and Rose Street	17-1915	4-7-1915
Fourth Street	Paving and improving	From Pine Street to Bingaman Street	44-1915	8-10-1915
Fourth Street	Grading and paving	Between Exeter Street and Bern Street	19-1917	4-25-1917
Fourth Street	Repairing	As necessary	30-1917	5-23-1917
Fourth Street	Paving	From Walnut Street to Spring Street	19-1921	3-30-1921
Fourth Street	Opening and grading	From Berks Street to a point 240 feet south of Berks Street	33-1928	4-18-1928
Fourth Street	Establishing new building and curblines and grades	At the southwest corner of Fourth Street and Laurel Street	34-1974	8-15-1974
Fourth Street	Establishing curblines	At the northwest and southwest of Fourth Street and Greenwich Street	50-1974	11-6-1974
Franklin Street	Storm sewers	From Peach Street to Eighth Street	60a-1913	3-18-1914
Franklin Street	Paving and improving	From Front Street to Second Street	22-1914	5-27-1914
Franklin Street	Paving and improving	From Third Street to Sixth Street	22-1914	5-27-1914
Franklin Street	Paving	From Second Street to Third Street	51-1914	7-29-1914

Name	Activity	Location	Ord. No.	Date
Franklin Street	Revising topographical survey	From South Front Street to Water Street	34-1955	8-24-1955
Franklin Street	Revising alignment	—	61-1966	11-30-1966
Franklin Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
Franklin Street	Opening, establishing alignment and grading	From Second Street to the western building line of Front Street	6-1974	1-30-1974
Franklin Street	Curbline	Northern curbline of the 700 block	37-2000	12-27-2000
Freemont Avenue	Placing on topographical survey	From Alton Avenue to the northern City line	81-1915	2-2-1916
Freemont Avenue	Opening	From Alton Avenue to the northern City line	82-1915	2-2-1916
Fremont Avenue	Storm sewers	From Crescent Street to Delta Avenue	48-1931	6-3-1931
Fremont Avenue	Opening and grading	From Bruckman Avenue to Alton Avenue	51-1931	7-15-1931
Fremont Avenue	Sewers	From Delta Avenue to Crescent Avenue	21-1932	4-13-1932
Fremont Avenue	Sewers	From Bruckman Avenue south to 14-foot alley	21-1932	4-13-1932
Front Street	Paving and improving	From Buttonwood Street to the south end of the southern approach of Front Street bridge	29-1915	5-17-1915
Front Street	Sewers	From Windsor Street to Spring Street	26-1921	4-13-1921
Front Street	Paving and improving	From Douglass Street to Spring Street	62-1924	7-16-1924
Front Street	Paving	Between Douglass Street and Spring Street	63-1924	7-16-1924
Front Street	Vacating	From 100 feet north of the north building line of Rockland Street to the north City line	112-1927	9-14-1927

Name	Activity	Location	Ord. No.	Date
Front Street	Widening	From Richmond Street to Sycamore Road	115-1927	9-14-1927
Front Street	Opening and grading	From Richmond Street to northern City line	33-1928	4-18-1928
Front Street	Widening	From Penn Street to River Road	14-1930	3-19-1930
Front Street	Sewers	From Robeson Street to north City line	21-1932	4-13-1932
Front Street	Establishing curbline	From Schiller Street southward 88 feet	66-1932	11-30-1932
Front Street	Establishing a reserve line	Between Perry Street and Union Street	6-1951	4-18-1951
Front Street	Curblines and grades	At the southwest corner of Front Street and Union Street	6-1951	4-18-1951
Front Street	Curblines and grades	At the northwest corner of Front Street and Perry Street	6-1951	4-18-1951
Front Street	Widening	Between Schiller Street and a 10-foot-wide alley 100 feet south of Schiller Street	13-1979	4-11-1979
Fulton Street	Naming	Formerly known as West Road	22-1942	7-8-1942
Funston Avenue	Opening	Between Lancaster Avenue and a point 160 feet north of the northern building line of Lancaster Avenue	72-1941	12-10-1941
Funston Avenue	Opening	From the southern building line of Liggett Avenue to the southern building line of Meade Street	13-1947	5-7-1947
Funston Avenue	Opening	From a point 160 feet north of the northern building line of Lancaster Avenue to the southern building line of Meade Street	34-1954	7-14-1954
Funston Avenue	Opening portion	From Liggett Avenue northwestwardly to the City line	40-1957	12-31-1957
Funston Avenue	Revising curb grades	Between Gregg Avenue and Lancaster Avenue	8-1967	3-29-1967

Name	Activity	Location	Ord. No.	Date
Funston Avenue	Revising curb grades	Between Logan Street and Scott Street within the boundary of the City	61-1983	11-2-1983
Furnace Street	Vacating	Between the eastern building line of Seventh Street and the western building line of Ninth Street	55-1919	12-10-1919

Name	Activity	Location	Ord. No.	Date
Garden Lane	Opening and grading	From Barberry Road to Evergreen Road	53-1929	8-7-1929
Garden Lane	Placing on topographical survey	From Barberry Road to the western City line	15-1950	6-21-1950
Garden Lane	Opening	From Barberry Road west to the City line	24-1950	6-28-1950
Garden Lane	Opening	From Barberry Road westward to the City/ Borough of Wyomissing line	28-1951	10-10-1951
Gerry Street	Opening, grading and improving	From Lancaster Avenue northward 112 feet	70-1924	8-20-1924
Gerry Street	Storm sewers	From Lancaster Avenue northward 200 feet approximately	79-1924B	8-27-1924
Gerry Street	Vacating	From Gregg Avenue to Pershing Boulevard	37-1928	4-25-1928
Gerry Street	Opening and grading	From Gregg Avenue to Liggett Avenue	38-1928	4-25-1928
Gerry Street	Opening and grading	From McCellan Street to Hancock Boulevard	9-1929	2-20-1929
Gerry Street	Vacating	Between Lancaster Avenue and Upland Avenue	3-1950	3-1-1950
Gerry Street	Placing on topographical survey	Between Lancaster Avenue and Gregg Avenue	10-1952	4-2-1952
Gerry Street	Reestablishing and relocating	From Lancaster Avenue to Hancock Boulevard	20-1954	4-7-1954
Gerry Street	Opening	Between Lancaster Avenue and Gregg Street	44-1955	10-5-1955

Name	Activity	Location	Ord. No.	Date
Gerry Street	Opening	Between Gregg Avenue and Hancock Boulevard	52-1955	12-21-1955
Gerry Street	Vacating	From the northern building line of Lancaster Avenue to the southern building line of Gregg Avenue	17-1956	4-18-1956
Gerry Street	Vacating	From the south building line of Liggett Avenue to the west building line of Sheridan Street	24-1974	6-19-1974
Gerry Street	Vacating	Replacing Sheridan Street with McCellan Street	28-1974	7-31-1974
Gordon Street	Opening, grading and improving	Between West Oley Street and West Douglass Street	44-1923	7-3-1923
Gordon Street	Widening	Between West Oley Street and West Douglass Street	54-1923	9-19-1923
Gordon Street	Storm sewers	From Windsor Street to River Road	77-1930	10-8-1930
Gordon Street	Storm sewers	From West Windsor Street to West Douglass Street	55-1931	7-8-1931
Gordon Street	Sewers	From River Road to West Oley Street	21-1932	4-13-1932
Gordon Street	Vacating	From the southern right-of-way line of West Green Street to the northern right-of-way line of Conrail	51-1977	11-30-1977
Gordon Street	Vacating, abandoning and removing	Between Buttonwood Street and West Elm Street	41-1981	8-5-1981
Grace Street	Opening, grading and improving	From Lancaster Avenue northward 270 feet	70-1924	8-20-1924
Grace Street	Storm sewers	From Lancaster Avenue northward 330 feet approximately	79-1924B	8-27-1924
Grace Street	Opening and grading	From Lancaster Avenue to Summit Avenue	41-1929	7-17-1929
Grace Street	Changing curb elevations and grades	From Lancaster Avenue to Meade Street	46-1929	7-24-1929

Name	Activity	Location	Ord. No.	Date
Grace Street	Opening and grading	From Lancaster Avenue to Meade Street	47-1929	7-24-1929
Grace Street	Stormwater sewers	From Gregg Avenue to Brookline Street	56-1929	8-7-1929
Grace Street	Storm sewers	From Lancaster Avenue to Park Avenue	35-1930	5-7-1930
Grace Street	Paving and curbing	From Lancaster Avenue to Summit Avenue	52-1930	7-30-1930
Grace Street	Grading	From Lancaster Avenue to Gregg Avenue	32-1931	6-3-1931
Grace Street	Paving and curbing	From Lancaster Avenue to Gregg Avenue	89-1931	10-28-1931
Grace Street	Placing on topographical survey	Between Meade Street and Wyomissing Boulevard	21-1937	11-10-1937
Grace Street	Vacating	Between Meade Street and Arlington Street	21-1937	11-10-1937
Grace Street	Opening	Between Summit Avenue and Upland Avenue	47-1949	10-11-1949
Grace Street	Vacating portion	Extending from the northerly building line of vacated Meade Street, a distance of 335.08 feet	15-1962	7-18-1962
Grace Street	Curb grading	Between Gregg Avenue and Meade Street	17-1964	5-6-1964
Grand View Avenue	Opening, grading and improving	Between South Nineteenth Street and the east line of the City	42-1922	8-28-1922
Grand View Street	Vacating	From Nineteenth Street east to the City line	11-1923	3-14-1923
Grape Street	Opening	From Front Street to Second Street	83-1927	7-13-1927
Grape Street	Vacating and removing	From the western building line of Canal Street to its western terminus at the east side of the former Schuylkill Canal	43-1972	10-18-1972
Grape Street	Opening, establishing alignment and grading	From South Second Street to Canal Street	6-1974	1-30-1974

Name	Activity	Location	Ord. No.	Date
Grape Street	Vacating	Between the western topographical building line of south Second Street and the easterly topographical building line of South Front Street	35-1974	8-28-1974
Grape Street	Widening	200 Block, consistent with the final plan for Barley Square	31-2008	4-28-2008
Green Street	Vacating	Between Front Street and Pear Street	61a	2-17-1915
Green Street	Storm sewers	From Tenth Street to Mulberry Street	55-1931	7-8-1931
Green Street	Revising grade	Between Birch Street and Linden Street	11-1962	3-28-1962
Greenview Avenue	Opening and grading	From Columbia Road to the northern City line	77-1924	9-3-1924
Greenview Avenue	Opening	Between Lehigh Street and the northern City line near Berkshire Drive	24-1941	6-4-1941
Greenview Avenue	Removing	From Lehigh Street to Reading Company Belt Line Railroad	53-1955	12-21-1955
Greenview Avenue	Grading	From Lehigh Street to Warren Street	32-1956	5-29-1956
Greenway Terrace	Opening	Between St. Bernardine Street and Jackson Street	32-1948	7-21-1948
Greenway Terrace	Opening	Between St. Bernardine Street and St. George Street	4-1950	1-25-1950
Greenwich Street	Paving and improving	From the east curbline of Eighth Street to the west building line of Ninth Street	38-1916	4-26-1916
Greenwich Street	Paving and improving	From Ninth Street to Tenth Street	26-1919	5-28-1919
Greenwich Street	Paving	From Second Street to Centre Avenue	19-1921	3-30-1921
Greenwich Street	Paving and improving	From Centre Avenue to Fifth Street	30-1922	5-17-1922
Greenwich Street (West)	Sewers	From Tulpehocken Street to Clinton Street	21-1932	4-13-1932

Name	Activity	Location	Ord. No.	Date
Greenwich Street	Revising grade	Between Birch Street and Linden Street	11-1962	3-28-1962
Gregg Avenue	Opening and grading	From Grace Street to Wyomissing Boulevard	166-1927	12-14-1927
Gregg Avenue	Vacating	From Kenhorst Boulevard to Gerry Street	37-1928	4-25-1928
Gregg Avenue	Opening and grading	From Kenhorst Boulevard to Gerry Street	38-1928	4-25-1928
Gregg Avenue	Opening and grading	From Brookline Plaza to Hancock Boulevard	9-1929	2-20-1929
Gregg Avenue	Changing curb elevations and grades	From Angelica Street to 160 feet east of Grace Street	46-1929	7-24-1929
Gregg Avenue	Stormwater sewers	From Wyomissing Boulevard to Grace Street	56-1929	8-7-1929
Gregg Avenue	Opening and grading	From Brookline Plaza to Newport Avenue	71-1929	10-16-1929
Gregg Avenue	Grading	From Grace Street to Noble Street	33-1931	6-3-1931
Gregg Avenue	Paving and curbing	From Grace Street to Noble Street	89-1931	10-28-1931
Gregg Avenue	Revising curb elevations and grades	Between Arlington Street and Carroll Street	21-1937	11-10-1937
Gregg Avenue	Opening	Between Kenhorst Boulevard and Newport Avenue	20-1949	6-1-1949
Gregg Avenue	Opening	Between Noble Street and Angelica Street	17-1950	6-7-1950
Gregg Avenue	Opening	From Hancock Boulevard to Gerry Street	17-1956	4-18-1956
Gregg Avenue	Vacating	From the eastern building line of Gerry Street to the Reading Belt Railroad	17-1956	4-18-1956
Gregg Avenue	Opening portion	From Grace Street to Noble Street	40-1957	12-31-1957
Gregg Avenue	Opening	Between the east building line of Funston Avenue and the west building line of McArthur Avenue	33-1965	7-21-1965

Name	Activity	Location	Ord. No.	Date
Gregg Avenue	Changing curb grades	From the northern building line of Funston Avenue to Pershing Boulevard, Cumru Township	13-1969	3-26-1969
Gregg Avenue	Opening	Between the west building line of Funston Avenue and the City/Cumru Township line	25-1970	6-27-1970
Gregg Avenue	Changing curb grades	Between Carroll Street and Arlington Street	4-1976	1-28-1976
Gregg Avenue	Vacating	Between Brookline Plaza and Hancock Boulevard	43-1999	12-27-1999

Name	Activity	Location	Ord. No.	Date
Halifax Way	Accepting	In the east bank area of the Schuylkill Urban Renewal Project	12-2000	7-10-2000
Hamilton Street	Vacating	Between Jefferson Street and Schuylkill Avenue	53-1977	12-7-1977
Hampden Boulevard	Naming	Formerly Hampden Road and Pricetown Road	84-1924	10-1-1924
Hampden Boulevard	Revising topographical survey	Between Thirteenth Street and Perry Street	154-1926	9-22-1926
Hampden Boulevard	Opening	Between Thirteenth Street and Perry Street	155-1926	9-22-1926
Hampden Boulevard	Storm sewers	From Marion Street northward approximately 300 feet	180A-1926	11-10-1926
Hampden Boulevard	Changing curb elevations and grades	From Rockland Street northward 255 feet	40-1931	6-10-1931
Hampden Boulevard	Changing curb elevations and grades	From 230 feet north of Rockland Street to the north City line	41-1931	6-10-1931
Hampden Boulevard	Opening and grading	From Windsor Street to Marion Street	63-1932	9-28-1932
Hampden Boulevard	Opening and grading	From Rockland Street to the north City line	11-1934	3-7-1934
Hampden Boulevard	Improving	Between Windsor Street and Spring Street	44-1934	7-3-1934

Name	Activity	Location	Ord. No.	Date
Hampden Boulevard	Sewers	Between Rockland Street and the City line, approximately 325 feet north of Rockland Street, and extend therefrom north to the City line	58-1934	9-26-1934
Hampden Boulevard	Revising elevation and grades	From City line southward 515.50 feet	70-1934	11-21-1934
Hampden Boulevard	Storm sewers	—	76-1934	11-7-1934
Hampden Boulevard	Improving	From Station 26+36.27 to Station 82+85.50, a distance of 5,649.23 feet	30-1965	6-16-1965
Hampden Road	Renaming	From Douglass Street to the City limits known as Hampden Boulevard	84-1924	10-1-1924
Hancock Boulevard	Opening and grading	From Lancaster Avenue to Wyomissing Boulevard	38-1928	4-25-1928
Hancock Boulevard	Opening and grading	From Lancaster Avenue to Gerry Street	9-1929	2-20-1929
Hancock Boulevard	Opening	From Gerry Street to Liggett Avenue	24-1956	5-23-1956
Hancock Street	Vacating	From Lancaster Avenue to Pershing Boulevard	37-1928	4-25-1928
Hancock Street	Opening	From Lancaster Avenue southward 175 feet to the southern City line	23-1950	6-28-1950
Hanley Place	Opening and grading	From Meade Street to McClellan Street	38-1928	4-25-1928
Hanley Place	Opening and grading	From McCellan Street to Meade Street	9-1929	2-20-1929
Harold Street	Vacating, abandoning and removing	Between Tulpehocken Street and dead-end at Kissinger Court	41-1981	8-5-1981
Hawthorne Street	Vacating	From Belevedere Avenue to Grace Street	51-1923	9-19-1923
Hawthorne Street	Opening	Between Grace Street and Noble Street	46-1949	10-11-1949
Hay Street	Vacating	From Baker Street to Gerry Street	37-1928	4-25-1928

Name	Activity	Location	Ord. No.	Date
Hazel Street	Vacating	From Summit Avenue to Prospect Avenue	98-1927	8-3-1927
Hazel Street	Placing on topographical survey	From Summit Avenue to Prospect Avenue	99-1927	8-3-1927
Hazel Street	Vacating	From Park Avenue northward approximately 233 feet	187-1927	12-28-1927
Hazel Street	Opening and curbing	From Upland Avenue to Belvedere Avenue	46-1928	5-16-1928
Hazel Street	Opening and grading	From Belvedere Avenue to Eberly Street	88-1929	12-4-1929
Hazel Street	Storm sewers	From Belvedere Avenue to Eberly Street	35-1930	5-7-1930
Hazel Street	Paving and curbing	From Belevedere Avenue to Eberly Street	52-1930	7-30-1930
Hazel Street	Widening	Western sidewalk between Belvedere Avenue and Upland Avenue	14-1978	4-28-1978
Heine Street	Grading	At the building line of Cotton Street	61-1914	9-2-1914
Heine Street	Changing elevation and curb	From Woodvale Avenue southward to a 20-foot-wide alley	59-1927	5-4-1927
Heller Street	Vacating, abandoning and removing	Between Liberty Street and 10-foot-wide alley	41-1981	8-5-1981
Hess Avenue	Placing on topographical survey	From Kenhorst Boulevard to Margaret Street	55-1946	1-8-1947
Hess Avenue	Vacating and removing	From Kenhorst Boulevard to Margaret Street	14-1958	4-30-1958
Hessian Road	Opening, grading and improving	Between Mineral Spring Road and property of Charles W. and George W. Benz	20-1925	4-22-1925
Hessian Road	Changing curblines and elevations	From Mineral Spring Road to Eckert Avenue	41-1925	7-29-1925

Name	Activity	Location	Ord. No.	Date
Hessian Road	Placing on topographical survey	From a point approximately 150 feet northeast of Holly Road northwestwardly approximately 350.88 feet	181-1927	12-31-1927
Hessian Road	Changing elevation and grades	From Holly Road to Tropper Road	24-1928	4-4-1928
Hessian Road	Opening and grading	From the point of tangent east of Holly Road to Hessian Camp Addition No. 2	26-1928	4-4-1928
Hiene Street	Opening and grading	From Woodvale Avenue to Fairview Avenue	116-1927	9-14-1927
Hiene Street	Sewers	From Woodvale Avenue south 196 feet	92-1931	10-7-1931
Hiester's Lane	Paving and improving	From Sixth Street eastward 235 feet	22-1914	5-27-1914
Hiester's Lane	Widening	From Sixth Street to Moss Street	178-1927	12-31-1927
Hiester's Lane	Opening and grading	From Sixth Street to Kutztown Road	66-1931	8-26-1931
Hiester's Lane	Sewers	From Sixth Street to Kutztown Road	21-1932	4-13-1932
Hiester's Lane	Changing building line radius	From 75 feet to 25 feet at northwest corner with Belmont Avenue	15-1958	5-14-1958
Hiester's Lane	Revising curb grades	From unnamed street along the east side of the East Penn Branch of Reading Company to Kutztown Road	22-1962	8-29-1962
Highland Avenue	Opening, grading and improving	Between South Nineteenth Street and the east line of the City	41-1922	8-28-1922
Highland Avenue	Vacating	From Nineteenth Street east to the City line	11-1923	3-14-1923
High Street	Opening, grading and improving	Between West Road and East Road	23-1923	4-11-1923
Hill Road	Storm sewers	From Perkiomen Avenue to Clymer Street	60a-1913	3-18-1914

Name	Activity	Location	Ord. No.	Date
Hill Road	Widening	From Clymer Street for a distance of 350 feet	24-1917	5-16-1917
Hill Road	Changing curb line	From the angle about 800 feet east of Clymer Street to another angle, a distance of approximately 750 feet	34-1917	6-20-1917
Hill Road	Sewers	From Clymer Street to about Lombard Street in House Sewer District No. 2 1/2	57-1917	12-19-1917
Hill Road	Changing grade	South of Victory Place at intersection of proposed Haller Road	120-1928	10-24-1928
Hill Road	Placing on topographical survey	From Angora Road westward approximately 700 feet	96-1930	1-14-1931
Hill Road	Opening and grading	From Angora Road westward approximately 700 feet	22-1931	4-8-1931
Hill Road	Improving	At intersection with Clymer Street to the intersection of Twelfth Street and Walnut Street	8-1938	4-6-1938
Hill Road	Establishing grade	On northern sidewalk from Clymer Street to Lombard Street	50-1952	11-26-1952
Hill Road	Opening	From a point 320 feet west of Victory Place to a point 427 feet west of Victory Place	4-1960	1-27-1960
Hoffer Avenue	Placing on topographical survey	From Northmont Avenue to the northern City line	81-1915	2-2-1916
Hoffer Avenue	Opening	From Northmont Avenue to the northern City line	82-1915	2-2-1916
Hoffer Avenue	Opening and grading	From Raymond Avenue to Bruckman Avenue	51-1931	7-15-1931
Hoffer Avenue	Sewers	From Delta Avenue south to 14-foot alley	21-1932	4-13-1932
Hoffer Avenue	Sewers	From Crescent Avenue to 14-foot alley east of Raymond Avenue	21-1932	4-13-1932

Name	Activity	Location	Ord. No.	Date
Hoffer Avenue	Paving and curbing	From Crescent Avenue to Raymond Avenue	34-1934	7-11-1934
Hollenbach Street	Sewers	From Lincoln Street to Schuylkill Avenue	21-1932	4-13-1932
Holly Road	Opening, grading and improving	Between Hessian Road and property of George W. Green, et al.	20-1925	4-22-1925
Hoskins Place	Catch basins	—	64-1922	11-22-1922
Hoskins Place	Grading, guttering and paving	Between Perkiomen Avenue and Haak Street	74-1924	8-6-1924
Howard Place	Opening and grading	From Lehigh Street to Warren Street	77-1924	9-3-1924
Howard Place	Extending and widening portion	To an intersection with Lehigh Street	33-1939	8-2-1939
Howard Place	Removing from topographical survey	A portion between Warren Street and Lehigh Street	33-1939	8-2-1939
Howard Place	Establishing curb grades	To an intersection with Lehigh Street	33-1939	8-2-1939
Howard Place	Opening	Between Warren Street and Lehigh Street	25-1941	6-4-1941
Howard Place	Revising plans	Between Warren Street and Lehigh Street	11-1955	4-20-1955
Howard Place	Vacating and removing	Between Warren Street and Lehigh Street	6-1959	4-30-1959
Howard Place	Opening	Between Warren Street and Lehigh Street	6-1959	4-30-1959
Hudson Street	Placing on topographical survey	From a point 105 feet west of the building line of Second Street to Pear Street	26-1945	10-10-1945
Huyett Street	Vacating	Southward for a distance of 153 feet from the southern building line of Bayonne Street	27-1916	4-19-1916
Huyett Street	Vacating and removing	400 Block between West Buttonwood Street and its Northern Terminus, formerly Bayonne Street	3-2004	1-26-2004

Name	Activity	Location	Ord. No.	Date
Inverness Street	Opening and grading	From Baer Street to Greenview Avenue	77-1924	9-3-1924
Inverness Street	Removing from topographical survey	Between Baer Street and Greenview Avenue	33-1939	8-2-1939
Island Street	Vacating	From Water Street to the Schuylkill Canal	164-1927	12-21-1927
Island Street	Vacating	Between Canal Street and the Schuylkill Canal	47-1952	10-29-1952
Ivy Road	Placing on topographical survey	From Wyomissing Boulevard to the western City line	15-1950	6-21-1950
Ivy Road	Opening	From Wyomissing Boulevard north to the City line	24-1950	6-28-1950
Ivy Road	Opening	From Wyomissing Boulevard northward to the City/Borough of Wyomissing line	27-1951	10-10-1951

Name	Activity	Location	Ord. No.	Date
Jackson Street	Changing grades	Between Upland Avenue and Greenway Terrace	150-1926	9-8-1926
Jackson Street	Opening	Between Upland Avenue and Greenway Terrace	42-1954	10-20-1954
Jackson Street	Vacating portion	From the northern building line of Upland Avenue to the southeastern building line of New Holland Road	22-1961	9-27-1961
Jackson Street	Revising grade	Between Upland Avenue and Greenway Terrace	22-1961	9-27-1961
Jackson Street	Revising topographical survey	As located in the Eighteenth Ward as bounded by Jackson Street, Upland Avenue, St. Bernardine Street and Greenway Terrace	28-1968	6-26-1968
Jameson Place	Changing elevation	At the southwest corner of Jameson Place and Ritter Street	56-1914	8-12-1914

Name	Activity	Location	Ord. No.	Date
Jameson Place	Sewers	From Ritter Street to a point about 106 feet east of the building line of Ritter Street	39-1919	8-29-1919
Jameson Street	Sewers	From the west side of Ritter Street to Lincoln Street	70-1914	9-23-1914
Jefferson Street	Vacating, abandoning and removing	Between Schuylkill Avenue and River Road	41-1981	8-5-1981
Joan Terrace	Placing on topographical survey	From Kenhorst Boulevard to Margaret Street	43-1941	9-3-1941
Joan Terrace	Opening	Between Kenhorst Boulevard and Margaret Street	58-1941	11-5-1941
Joan Terrace	Placing on topographical survey	From Parkview Road to Parkside Drive South	9-1954	3-24-1954
Joan Terrace	Opening	From Parkview Road to Parkside Drive south	36-1954	9-29-1954
Joan Terrace	Revising grade	Between Parkview Road and Lilac Place	15-1959	7-29-1959
Joan Terrace	Revising grade	Between Parkview Road and Lilac Place	13-1960	3-23-1960
Johnson Street	Placing on topographical survey	Between West Green Street and West Greenwich Street	65-1916	10-4-1916
Johnson Street	Opening	Between West Green Street and West Greenwich Street	66-1916	10-11-1916
Johnson Street	Vacating	From the north building line of an alley along the southern line of the Excesior Brass Works of the Lebanon Valley Railroad	34-1918	11-13-1918
Johnson Street (Extension)	Opening	Extending to the west building line of Gordon Street	27-1979	8-22-1979

Name	Activity	Location	Ord. No.	Date
Johnson Street	Vacating portion	From a point 239.97 feet north of the north building line of Speidel Street northward 118.26 feet to connect with Gordon Street	27-1979	8-22-1979
Johnson Street	Vacating and removing	400 Block between Speidel Street and Gordon Street	5-2004	1-26-2004
Johnson Street	Vacating and removing	400 Block between Speidel Street and Gordon Street	13-2004	3-28-2004
Johnson Street	Vacating and removing	400 Block between Speidel Street and Gordon Street	14-2004	3-28-2004

Name	Activity	Location	Ord. No.	Date
Kathryn Street	Opening and grading	From Snyder Street to Darien Street	77-1924	9-3-1924
Kathryn Street	Opening	Between Snyder Street and Darien Street	51-1941	10-1-1941
Kenhorst Boulevard	Changing the topographical survey	Between Lancaster Avenue and the present southern City line	22-1925	5-20-1925
Kenhorst Boulevard	Placing on topographical survey	Between Pershing Boulevard and Old Wyomissing Road	35-1929	6-5-1929
Kenhorst Boulevard	Opening and grading	From Lancaster Avenue to Old Wyomissing Road	66-1929	10-2-1929
Kenhorst Boulevard	Storm sewers	From north of Lancaster Avenue to Pershing Boulevard	82-1931	9-9-1931
Kenhorst Boulevard	Storm sewers	From Pershing Boulevard to Old Wyomissing Road	34-1932	4-27-1932
Kenhorst Boulevard	Paving and curbing	From Lancaster Avenue northward to Old Wyomissing Road	64-1932	10-11-1932
Kenhorst Boulevard	Opening	From the southern building line of Lancaster Avenue to the southern City line	12-1941	4-9-1941
Kenhorst Boulevard	Improving	From Station 12+30 to Station 14+64, a distance of 234 feet	13-1965	3-10-1965
Kenney Street	Revising topographical survey	Between Thirteenth Street and Fourteenth Street	28-1929	6-5-1929

Name	Activity	Location	Ord. No.	Date
Klein Avenue	Grading	Between Seventeenth Street and Eighteenth Street	12-1918	5-22-1918
Klein Avenue	Sewers	From Seventeenth Street to Eighteenth Street	92-1931	10-7-1931
Kutztown Road	Paving and improving	From Exeter Street to Hiester's Lane	30-1922	5-17-1922
Kutztown Road	Opening	From Exeter Street to the north City line	65-1931	8-26-1931
Kutztown Road	Sewers	From Exeter Street to the north City line	21-1932	4-13-1932
Kutztown Road	Curblines and grades	At the northwest corner of Kutztown Road and Exeter Street	34-1974	8-15-1974
Kutztown Road	Establishing new building and curblines and grades	At the southwest corner of Kutztown Road and Hiester's Lane	34-1974	8-15-1974

Name	Activity	Location	Ord. No.	Date
Lacaster Avenue	Opening	Between Kenhorst Boulevard and the present western City boundary line	68-1924	8-20-1924
Lackawanna Street	Opening and grading	From Schuylkill Avenue to Warren Street	77-1924	9-3-1924
Lackawanna Street	Changing topographical survey	From 115 feet east of Luzerne Street to Butler Street	19-1929	4-24-1929
Lackawanna Street	Opening, grading, paving and improving	From Butler Street to Luzerne Street	38-1932	6-1-1932
Lackawanna Street	Revising curbline	Between Schuylkill Avenue and Warren Street to a position 5/10 of a foot north of and parallel to its present location	28-1938	9-7-1938
Lackawanna Street	Opening	Between Schuylkill Avenue and Darien Street	54-1941	10-1-1941
Lackawanna Street	Opening	Between Schuylkill Avenue and Luzerne Street	22-1944	8-30-1944

Name	Activity	Location	Ord. No.	Date
Lackawanna Street	Opening	Between Luzerne Street and a point 122 feet 6 inches west of the western building line of Luzerne Street	43-1946	8-28-1946
Lackawanna Street	Improving	—	55-1954	12-20-1954
Lackawanna Street	Opening	Between Darien Street and Warren Street	9-1956	2-29-1956
Lackawanna Street	Revising grade	Between Carbon Street and Schuylkill Avenue	26-1958	8-13-1958
Lackawanna Street	Removing from topographical survey	Between the east building line of Montgomery Street and the west building line of Monroe Street	24-1966	6-1-1966
Lackawanna Street	Opening	Between the west building line of Carbon Street and the west building line of Monroe Street	26-1966	6-1-1966
Lafayette Street	Grading	From Tulpehocken Street to Little Clinton Street	27-1915	5-17-1915
Lafayette Street	Grading	At the south curbline of Lafayette Street east of Little Clinton Street	18-1918	7-10-1918
Lafayette Street	Vacating	From the western building line of Tulpehocken Street westward to the western building line of Little Clinton Street	21-1923	4-11-1923
Lafayette Street	Vacating	Between Little Clinton Street and Tulpehocken Street	60-1939	12-27-1939
Lafayette Street	Opening	Between Little Clinton Street and Tulpehocken Street	60-1939	12-27-1939
Lafayette Street	Opening	From the west building line of Miltmore Street to the east building line of Gordon Street	26-1970	7-15-1970
Lafayette Street	Designating alignment and opening	From Division Street to Rosenthal Street	20-1978	5-31-1978

Name	Activity	Location	Ord. No.	Date
Lafayette Street	Opening	From the west building line of Second Street to the east building line of Pear Street	21-1978	5-31-1978
Lafayette Street	Opening	From the west building line of Gordon Street to the east building line of Tulpehocken Street	27-1979	8-22-1979
Lafayette Street	Vacating and removing	300 Block between Tulpehocken Street and Little Clinton Street	6-2004	1-26-2004
Lafayette Street	Vacating and removing	300 Block between Tulpehocken Street and Little Clinton Street	15-2004	3-22-2004
Lancaster Avenue	Turn-out	Between Morgantown Road and Crestmont Street	31-1922	8-2-1922
Lancaster Avenue	Opening	Between Morgantown Road and Kenhorst Boulevard	67-1924	8-20-1924
Lancaster Avenue	Placing on topographical survey	Between the western end of the present Bingaman Street bridge and Morgantown Road	69-1924	8-20-1924
Lancaster Avenue	Storm sewers	From Grace Street to Angelica Street	79-1924B	8-27-1924
Lancaster Avenue	Storm sewers	From 220 feet east of Gerry Street to Funston Avenue	79-1924B	8-27-1924
Lancaster Avenue	Storm sewers	From the west end of Bingaman Street bridge to Carroll Street	79-1924B	8-27-1924
Lancaster Avenue	Changing topographical intersection	The south building line of Lancaster Avenue	93-1924	11-12-1924
Lancaster Avenue	Grading	From Morgantown Road approximately 295 feet westward	98-1924	12-24-1924
Lancaster Avenue	Opening	Between Kenhorst Boulevard and the present western City boundary line	2-1925	2-11-1925
Lancaster Avenue	Opening	Between the western end of the present Bingaman Street bridge and Kenhorst Boulevard	3-1925	2-11-1925

Name	Activity	Location	Ord. No.	Date
Lancaster Avenue	Paving and improving	From the western end of the Bingaman Street Schuylkill River bridge to the present western City boundary line	12-1925	2-11-1925
Laurel Street	Paving	From Sixth Street to Seventh Street	19-1921	3-30-1921
Laurel Street	Improving	Portion of SR 06219-1 from Station 1+39 to Station 6+92, a distance of 554 feet	13-1958	4-30-1958
Laurel Street	Improving	From Station 1+39 to Station 6+29, a distance of 553 feet	21-1958	7-16-1958
Lebanon Street	Placing on topographical survey	From the south building line of Bayonne Street to the north building line of Bayonne Street	64-1914	12-23-1914
Lebanon Street	Vacating	From the south building line of Lafayette Street to the Lebanon Valley Railroad	65-1914	12-23-1914
Lebanon Street	Opening	From the south building line of Bayonne Street to the north building line of Bayonne Street	67-1914	12-23-1914
Lebanon Street	Vacating	For a distance of 153 feet southward from the northern building line of Bayonne Street	27-1916	4-19-1916
Lehigh Street	Opening and grading	From Howard Place to Charles Avenue	77-1924	9-3-1924
Lehigh Street	Removing from topographical survey	A portion between Howard Place and Baer Street	33-1939	8-2-1939
Lehigh Street	Opening	Between Howard Place and Greenview Avenue	23-1941	6-4-1941
Lehigh Street	Opening	Between Schuylkill Avenue and Clarion Street	21-1943	8-18-1943
Lehigh Street	Opening	From Clarion Street to Wayne Street	29-1952	6-18-1952
Lehigh Street	Improving	—	55-1954	12-20-1954

Name	Activity	Location	Ord. No.	Date
Lehigh Street	Removing	From Greenview Avenue to Charles Avenue	53-1955	12-21-1955
Lehigh Street	Placing on topographical survey	From Greenview Avenue to Berkshire Avenue	53-1955	12-21-1955
Lehigh Street	Grading	From Baer Street to Greenview Avenue	32-1956	5-29-1956
Lehigh Street	Grading	From Greenview Avenue to Warren Street	40-1956	7-11-1956
Lehigh Street	Opening	From Greenview Avenue to Berkshire Drive	11-1957	2-20-1957
Lehigh Street	Opening portion	From Wayne Street to Monroe Street	40-1957	12-31-1957
Lehigh Street	Revising grade	Between Butler Street and Schuylkill Avenue	26-1958	8-13-1958
Leland Street	Renaming	Known as Lowrie Street between West Road and Downing Street	22-1942	7-8-1942
Lemon Street	Sewers	From Bingaman Street northward	26-1921	4-13-1921
Lemon Street	Vacating and removing	Between Franklin Street and Cherry Street	32-1961	11-22-1961
Liberty Street	Vacating and removing	Between Heller Street and Gordon Street	8-1960	2-17-1960
Liberty Street	Vacating, abandoning and removing	Between Tulpehocken Street and the intersection of Heller Street	41-1981	8-5-1981
Liggett Avenue	Vacating	From Kenhorst Boulevard to Wyomissing Street	37-1928	4-25-1928
Ligget Avenue	Opening and grading	From Kenhorst Boulevard to Pershing Boulevard	38-1928	4-25-1928
Liggett Avenue	Opening	From Kenhorst Boulevard to McArthur Street	5-1949	3-23-1949
Liggett Avenue	Vacating and removing	From Hancock Boulevard to a point 1250 feet northeasterly	41-1957	12-31-1957
Liggett Avenue	Opening	Between McArthur Avenue and Funston Avenue	12-1963	3-26-1963
Liggett Avenue	Revising alignment and grades	At the intersection of Liggett Avenue and McCellan Street with Gerry Street	29-1974	7-31-1974

Name	Activity	Location	Ord. No.	Date
Lilac Place	Placing on topographical survey	From Old Wyomissing Road to Joan Terrace	9-1954	3-24-1954
Limited access highway	Consenting to construction	From the easterly property line of Butler Street intersecting with Warren Street, thence northeasterly to the easterly City line with Muhlenberg Township	14-1954	3-17-1954
Lincoln Street	Sewers	From Jameson Place to Douglass Street	70-1914	9-23-1914
Lincoln Street	Vacating	Between River Road and the western right-of-way line of the Belt Line Railroad	11-1927	2-9-1927
Lincoln Street	Opening and grading	Between the southern building line of Spring Street and Robeson Street	23-1930	4-30-1930
Lincoln Street	Opening and grading	From Spring Street to Robeson Street	51-1931	7-15-1931
Lincoln Street	Revising curb elevations and grades	From West Robeson Street to 337.5 feet south of the south curbline of West Robeson Street	67-1931	8-26-1931
Lincoln Street	Sewers	From Robeson Street south 325 feet	21-1932	4-13-1932
Lincoln Street	Vacating	From West Windsor Street to West Spring Street	49-1934	8-22-1934
Lincoln Street	Vacating portion	From River Road to the Schuylkill River	22-1958	9-3-1958
Lincoln Street	Opening	From West Greenwich Street to West Oley Street	6-1962	2-14-1962
Lincoln Street	Vacating	As located on Plan No. 6041	11-1964	4-1-1964
Lincoln Street	Vacating	From the north building line of West Spring Street to the south building line of West Robeson Street	53-1973	10-24-1973
Linden Street	Storm sewers	From Buttonwood Street to 10-foot-wide alley south of Buttonwood Street	26-1915	5-17-1915

Name	Activity	Location	Ord. No.	Date
Linden Street	Vacating	Between Rosemont Boulevard and the northern City line	65-1915	12-1-1915
Linden Street	Widening	Between Pike Street and Union Street	27-1919	6-4-1919
Linden Street	Opening	Between Greenwich Street and Oley Street	33-1919	8-29-1919
Linden Street	Vacating	Between Robeson Street and Marion Street	50-1919	12-17-1919
Linden Street	Opening	Between Perry Street and Union Street	53-1922	10-4-1922
Linden Street	Opening, grading and improving	Between College Avenue and Rockland Street	6-1925	1-28-1925
Linden Street	Vacating	Between the southern building line of Oley Street and the southern building line of Windsor Street	23-1925	5-6-1925
Linden Street	Grading	From the north curbline of Greenwich Street to the south curbline of Oley Street	152-1926	9-15-1926
Linden Street	Opening and grading	From College Avenue to 88 feet north of Richmond Street	7-1931	3-4-1931
Linden Street	Sewers	From College Avenue to Richmond Street	21-1932	4-13-1932
Linden Street	Vacating	From a point 87.67 feet north of the north building line of Rockland Street to the south building line of Rosemont Boulevard	38-1969	8-6-1969
List Road	Surfacing	Of 1.1 miles of roadway on Mt. Penn Reservation, connecting Angora Road to Hill Road in Lower Alsace Township	63-1936	10-17-1936
List Road	Surfacing	On Mt. Penn Reservation connecting Angora Road to Hill Road in Lower Alsace Township	63-1936	10-17-1936
Little Clinton Street	Grading	From Lafayette Street to Bayonne Street	27-1915	5-17-1915

Name	Activity	Location	Ord. No.	Date
Little Clinton Street	Vacating	A portion from the southern building line of Lafayette Street southward a distance of 12 feet 6 inches	21-1923	4-11-1923
Little Clinton Street	Vacating	Between Bayonne Street and Lafayette Street	60-1939	12-27-1939
Little Clinton Street	Opening	Between Lafayette Street and Buttonwood Street	60-1939	12-27-1939
Little Clinton Street	Vacating and removing	400 Block between an unnamed alley and Lafayette Street	4-2004	1-26-2004
Little Clinton Street	Vacating and removing	400 Block between an unnamed alley and Lafayette Street	12-2004	3-22-2004
Little Wunder Street	Opening	Between Franklin Street and a point 100 feet north of the northern building line of Franklin Street	47-1946	9-18-1946
Locust Street	Opening	Between Pike Street and Amity Street	53-1922	10-4-1922
Locust Street	Sewers	Between Union Street and Exeter Street	31-1923	5-29-1923
Locust Street	Opening	From Amity Street to Exeter Street	54-1925	10-28-1925
Locust Street	Vacating	From Pike Street to Amity Street	150-1928	1-2-1929
Locust Street	Revising topographical survey	Removing part of the eastern sidewalk between Walnut Street and Elm Street	33-1956	6-13-1956
Locust Street	Vacating and removing	From the City line to a point 360 feet south	37-1957	10-30-1957
Locust Street	Vacating and removing	Between Exeter Street and Bern Street	18-1959	9-30-1959
Locust Street	Vacating and removing	From Richmond Street to a point 360 feet south of the northern City line	35-1962	12-12-1962
Locust Street	Vacating and removing	From Bern Street to Richmond Street	15-1963	5-15-1963

Name	Activity	Location	Ord. No.	Date
Locust Street	Revising building line, curbline and grade	Western building line from the northern building line of Walnut Street to a line 168.45 feet northward along with revising the western curbline and grades from the northern building line of Walnut Street to a line 128.56 feet northward	132-1992	11-25-1992
Logan Street	Vacating	From Kenhorst Boulevard to Baker Street	37-1928	4-25-1928
Logan Street	Opening	Between Kenhorst Boulevard and McArthur Street	26-1946	4-17-1946
Logan Street	Opening	From the south building line of McArthur Avenue, southwest to Cumru Township/City Line at Funston Avenue	35-1967	11-29-1967
Lombard Street	Vacating, abandoning and removing	Between the northern building line of Hill Road and the southern side of the first Duryea Drive crossing	18-1983	4-20-1983
Lorraine Road	Changing elevation and grade	From Bern Street to City line	50-1925	10-14-1925
Lorraine Road	Placing on topographical survey	From Perry Street to Oak Lane	191-1927	12-28-1927
Lorraine Road	Opening and grading	From Berks Street to east City line	8-1931	3-4-1931
Lowrie Street	Naming	Formerly known as Leland Street	22-1942	7-8-1942
Lunden Street	Vacating	From Hampden Boulevard southward to Windsor Street	14-1932	4-27-1932
Luzerne Street	Vacating	From Mercer Street to the northern City line	85-1926	6-23-1926
Luzerne Street	Changing topographical survey	From Warren Street to Merger Street	19-1929	4-24-1929

Name	Activity	Location	Ord. No.	Date
Luzerne Street	Opening, grading, paving and improving	From Lackawanna Street to Mercer Street	38-1932	6-1-1932
Luzerne Street	Opening	Between Columbia Street and Lackawanna Street	57-1941	10-8-1941
Luzerne Street	Opening	Between Blaie Avenue and the Reading Belt Railroad	21-1945	8-1-1945
Luzerne Street	Curblines and grades	Between the northern building line and a point 385 feet north of said building line	34-1952	7-9-1952
Luzerne Street	Revising grade	Between Lehigh Street and Lackawanna Street	26-1958	8-13-1958
Luzerne Street	Vacating, abandoning and removing	Between Columbia Street and the Conrail right-of-way immediately to the south	109-1992	10-14-1992

Name	Activity	Location	Ord. No.	Date
Madison Avenue	Sewers	From Bern Street to 210 feet south of Bern Street	21-1932	4-13-1932
Madison Avenue	Removing from topographical survey	Between Bern Street and Richmond Street	4-1945	2-7-1945
Madison Avenue	Opening	From Richmond Street to Rockland Street	38-1957	12-11-1957
Madison Avenue	Widening	From 20 feet to 25 feet between Court Street and Washington Street	90-1984	9-26-1984
Madison Avenue	Revising curb grades	Between Court Street and Washington Street	90-1984	9-26-1984
Madison Avenue	Vacating, abandoning and removing	Between Bern Street and Exeter Street	5-1986	1-15-1986
Madison Avenue	Removing from topographical survey	Between the southern boundary of lands owned by Norfolk Southern Corporation and the north building line of Richmond Street	67-2007	8-27-2007
Maple Street	Sewers	From Muhlenberg Street to Culvert Street	18-1922	3-29-1922

Name	Activity	Location	Ord. No.	Date
Maple Street	Sewers	From Culvert Street to Muhlenberg Street	28-1922	5-3-1922
Maple Street	Vacating	Between Spruce Street and Muhlenberg Street	54-2010	8-9-2010
Margaret Street	Placing on topographical survey	From Old Wyomissing Road to Wyomissing Boulevard	43-1941	9-3-1941
Margaret Street	Placing on topographical survey	From East Wyomissing Boulevard southward approximately 470 feet to the line of property of the Textile Machine Works	9-1945	5-2-1945
Margaret Street	Opening	Between Wyomissing Boulevard and the property line of the Textile Machine Works	6-1946	2-27-1946
Margaret Street	Extension	From its present southern terminus approximately 652 feet southward to the center line of Pershing Boulevard	55-1946	1-8-1947
Margaret Street	Opening	Between Old Wyomissing Road and Wyomissing Boulevard	31-1955	7-27-1955
Margaret Street	Vacating and removing	From Pershing Boulevard to the northern property line of land owned by the United States of America a distance of 620.55 feet	14-1958	4-30-1958
Margaret Street	Naming	Formerly known as Sheridan Street between Pershing Boulevard and Scott Street	97-1994	8-31-1994
Marion Street	Storm sewers	From Twelfth Street to Hampden Boulevard	180A-1926	11-10-1926
Marion Street	Paving	Between Twelfth Street and Hampden Boulevard	53-1927	4-6-1927
Marion Street	Storm sewers	From Tenth Street eastward 135 feet	140-1928	12-5-1928
Marion Street	Opening and grading	From Front Street to Centre Avenue	51-1931	7-15-1931

Name	Activity	Location	Ord. No.	Date
Marion Street	Vacating	From Hampden Boulevard eastward to Sixteenth Street	14-1932	4-27-1932
Marion Street	Sewers	From Fifth Street to Sixth Street	21-1932	4-13-1932
Marion Street	Sewers	From Center Avenue to Front Street	21-1932	4-13-1932
Marion Street	Vacating	From McKnight Street to Weiser Street	39-1950	11-22-1950
Marion Street	Vacating	From the west building line of Centre Avenue to the east building line of Front Street	19-1968	4-17-1968
Master Street	Extending	From Eighth Street to Peach Street	14-1914	4-29-1914
McAdoo Avenue	Opening	Between Lancaster Avenue and the Southern City line	18-1949	6-1-1949
McArthur Avenue	Opening	Between Scott Street and Logan Street	38-1949	8-3-1949
McArthur Avenue	Opening	From the north building line of Meade Street to the north building line of Liggett Avenue	6-1970	1-27-1970
McArthur Avenue	Opening	From the south building line of Meade Street to the south building line of Gregg Avenue	9-1971	3-9-1971
McArthur Avenue	Revising curb grades	Between Local Street and Scott Street	23-1974	6-12-1974
McArthur Street	Opening	Between the south building line of Logan Street and the north building line of Liggett Avenue	2-1976	1-21-1976
McCellan Street	Opening and grading	From Brookline Plaza to Wyomissing Boulevard	38-1928	4-25-1928
McCellan Street	Opening and grading	From Brookline Plaza to Gerry Street	9-1929	2-20-1929
McClellan Street	Opening	From Wyomissing Boulevard southward to the property line of the Reading Housing Authority	36-1954	9-29-1954

Name	Activity	Location	Ord. No.	Date
McClellan Street	Opening	From Liggett Avenue northward to property line of the Reading Housing Authority	15-1957	4-3-1957
McIllvain Street	Placing on topographical survey	From Neversink Street to Neversink Alley	97-1930	1-14-1931
McIllvain Street	Opening and grading	From Neversink Street to Neversink Alley	21-1931	4-8-1931
McKnight Street	Grading	Between Windsor Street and Spring Street	42-1914	9-2-1914
McKnight Street	Grading	Between Windsor Street and Spring Street	60-1914	9-2-1914
McKnight Street	Sewers	From Oley Street northward	26-1921	4-13-1921
McKnight Street	Opening, grading and improving	Between Perry Street and Pike Street	17-1924	3-5-1924
McKnight Street	Opening and grading	From West Exeter Street to West Bern Street	66-1931	8-26-1931
McKnight Street	Opening and grading	From West Perry Street to West Pike Street	66-1931	8-26-1931
McKnight Street (East)	Revising curb elevations and grades	From West Union Street to 150 feet north of north curbline of West Union Street	67-1931	8-26-1931
McKnight Street	Revising curb elevations and grades	From West Amity Street to West Union Street	67-1931	8-26-1931
McKnight Street	Sewers	From Pike Street to Perry Street	21-1932	4-13-1932
McKnight Street	Sewers	From Bern Street south 100 feet	21-1932	4-13-1932
McKnight Street	Relocating	From West Pike Street to West Union Street	7-1948	4-28-1948
McKnight Street	Vacating	From West Pike Street to West Union Street	6-1951	4-18-1951
McKnight Street	Curblines and grades	At the northwest corner of McKnight Street and Pike Street	6-1951	4-18-1951

Name	Activity	Location	Ord. No.	Date
McKnight Street	Curblines and grades	At the southwest corner of McKnight Street and Perry Street	6-1951	4-18-1951
McKnight Street	Opening portion	From Spring Street to Robeson Street	40-1957	12-31-1957
McKnight Street	Vacating	From West Perry Street to West Robeson Street	28-1964	9-23-1964
McKnight Street	Vacating, abandoning and removing	From West Pike Street to West Perry Street	38-1982	3-2-1983
Meade Street	Placing on topographical survey	From Grace Street and Carroll Street	155-1927	12-14-1927
Meade Street	Opening and paving	From Grace Street and Carroll Street	156-1927	12-14-1927
Meade Street	Vacating	From Kenhorst Boulevard to Gerry Street	37-1928	4-25-1928
Meade Street	Opening and grading	From Kenhorst Boulevard to Hancock Boulevard	38-1928	4-25-1928
Meade Street	Opening and grading	From Brookline Plaza to Hancock Boulevard	9-1929	2-20-1929
Meade Street	Opening and grading	From Brookline Plaza to Newport Avenue	71-1929	10-16-1929
Meade Street	Opening	Between Newport Avenue and Kenhorst Boulevard	59-1941	10-15-1941
Meade Street	Opening	From Funston Avenue to the western City line	13-1947	5-7-1947
Meade Street	Opening	Between Kenhorst Boulevard and Funston Avenue	33-1955	8-10-1955
Meade Street	Grading	Between McArthur Avenue and Funston Avenue	43-1955	9-28-1955
Meade Street	Vacating and removing	From the southwestern building line of Carroll Street to the southwestern line of Grace Street	8-1961	5-17-1961
Meade Street	Vacating	Portion as more specifically detailed in the legal description	26-2003	8-11-2003
Mercer Street	Changing width	Between Schuylkill Avenue and Montgomery Street	77-1924	9-3-1924

Name	Activity	Location	Ord. No.	Date
Mercer Street	Opening and grading	From Schuylkill Avenue to Argonne Road	77-1924	9-3-1924
Mercer Street	Revising grades and elevations	From Carbon Street to Monroe Street	87-1926	6-23-1926
Mercer Street	Opening, grading, paving and improving	From Luzerne Street to Schuylkill Avenue	38-1932	6-1-1932
Mercer Street	Revising curb elevations and grades	From eastern building line of Schuylkill Avenue eastward approximately 75 feet	31-1937	7-21-1937
Mercer Street	Grading	For approximately 75 feet east of Schuylkill Avenue	42-1939	8-23-1939
Mercer Street	Opening	Between Schuylkill Avenue and Darien Street	18-1947	7-2-1947
Mercer Street	Opening	Between Luzerne Street and a point 130 feet west of western building line of Luzerne Street	7-1951	3-28-1951
Mercer Street	Opening	From Darion Street to Argonne Road	11-1957	2-20-1957
Mercer Street	Removing from topographical survey	Between the west building line of Monroe Street and the west building line of Montgomery Street	25-1966	6-1-1966
Mercer Street	Relocating portion	Between the west building line of Wayne Street and the west building line of Monroe Street	27-1966	6-1-1966
Mercer Street	Opening	From a point 130 feet west of west building line of Luzerne Street westerly 602.52 feet to the center line of a 15-foot alley between Allegheny Avenue and Carbon Street	39-1967	12-27-1967
Mercer Street	Revising curb grades	Between Butler Street and Allegheny Avenue	17-1974	5-2-1974
Mercer Street	Revising curb grade	From Wayne Street and Allegheny Avenue	27-1974	7-10-1974

Name	Activity	Location	Ord. No.	Date
Mifflin Street	Vacating	Between the south building line of Spruce Street and the north building line of Pine Street	4-1974	1-23-1974
Mifflin Street	Vacating	Between the southern building line of Chestnut Street and the northern building line of Spruce Street (previously vacated)	3-1977	1-19-1977
Mill Street	Vacating	Between the eastern building line of Seventh Street and the western building line of Ninth Street	55-1919	12-10-1919
Mill Street	Opening	From Robeson Street to Marion Street	62-1928	7-11-1928
Miltimore Street	Sewers	From River Road to Oley Street (West)	21-1932	4-13-1932
Mineral Spring Road	Paving	From Perkiomen Avenue to Sixteenth Street	19-1921	3-30-1921
Mineral Spring Road	Sewers	From Sixteenth Street eastward for a distance of 378 feet	26-1921	4-13-1921
Mineral Spring Road	Sewers	From Perkiomen Avenue to Good Street	26-1921	4-13-1921
Mineral Spring Road	Sewers	From Good Street eastward for a distance of about 300 feet	32-1921	5-11-1921
Mineral Spring Road	Vacating	From east of Eighteenth Street to Nineteenth Street and the road connecting Nineteenth Street and Mineral Spring Road with Dengler Road	80-1926	5-26-1926
Mineral Spring Road	Plan approval	From east Eighteenth Street to east Nineteenth Street	81-1926	5-26-1926
Mineral Spring Road	Opening	From east of Eighteenth Street to the eastern City line	183-1926	12-15-1926
Mineral Spring Road	Constructing	From a point east of Eighteenth Street eastward approximately 900 feet	16-1927	2-9-1927

Name	Activity	Location	Ord. No.	Date
Mineral Spring Road	Paving	From the eastern end of viaduct to Mt. Penn Borough/City line	132-1927	10-5-1927
Mineral Spring Road	Paving	From Sixteenth Street to the western end of viaduct	185-1927	12-7-1927
Mineral Spring Road	Improving	From Perkiomen Avenue to 75 feet east of Sixteenth Street a placement of a 6-inch concrete base	60-1932	8-10-1932
Mineral Spring Road	Revising the topographical survey	From Hill Road to Good Street	4-1947	4-2-1947
Mineral Spring Road	Revising topographical survey	Establishing reserve building lines on the northern side from Good Street to the angle between Sixteenth Street and Seventeenth Street	2-1949	3-9-1949
Mineral Spring Road	Revising topographical survey	Establishing reserve building lines on the southern side from the angle between Sixteenth Street and Seventeenth Street to Eighteenth Street	2-1949	3-9-1949
Mineral Spring Road	Improving	From Station 48+82 to Station 80+39, a distance of 3,157.00 feet	41-1966	8-10-1966
Minor Street	Naming	Formerly known as Plum Street	26-1951	11-7-1951
Minor Street	Changing grade	Between South Street and New Canal Street	44-1983	9-7-1983
Monroe Street	Vacating	From Mercer Street to the northern City line	85-1926	6-23-1926
Monroe Street	Opening	Between Warren Street and Lackawana Street	13-1955	5-4-1955
Monroe Street	Opening	Between Warren Street and Montgomery Street	35-1957	10-16-1957
Monroe Street	Vacating	From the north building line of Columbia Street to the south building line of Lehigh Street	44-1970	10-7-1970
Montgomery Street	Opening	Between Monroe Street and Blair Avenue	35-1957	10-16-1957

Name	Activity	Location	Ord. No.	Date
Montgomery Street	Opening	Between the west building line of Monroe Street and the north building line of Lackawanna Street	21-1965	4-7-1965
Montgomery Street	Removing from topographical survey	Between the north building line of Mercer Street and south building line of Lackawanna Street	23-1966	6-1-1966
Morgantown Road	Opening	From Lancaster Avenue southward for a distance of 63 feet south of the southeastern corner of the abutment of the Pennsylvania Avenue	33-1921	6-22-1921
Morgantown Road	Changing alignment and grade	East of Lancaster Avenue	30-1923	5-29-1923
Morgantown Road	Opening	From Lancaster Avenue to a point about 250 feet southeast of Lancaster Avenue	42-1923	8-1-1923
Morgantown Road	Storm sewers	From Lancaster Avenue southward approximately 224 feet	79-1924B	8-27-1924
Morgantown Road	Grading	From Lancaster Avenue approximately 230 feet southward	98-1924	12-24-1924
Morgantown Road	Grading	From Lancaster Avenue to a point about 230 feet southeast of Lancaster Avenue	11-1925	3-4-1925
Morgantown Road	Paving and improving	From Lancaster Avenue to a point about 230 feet southeast of Lancaster Avenue	12-1925	2-11-1925
Morgantown Road	Vacating	From Fern Avenue to Prospect Avenue	95-1927	8-3-1927
Morgantown Road	Placing on topographical survey	From Fern Avenue to Prospect Avenue	96-1927	8-3-1927
Morgantown Road	Vacating	From Prospect Avenue northward approximately 345 feet	187-1927	12-28-1927

Name	Activity	Location	Ord. No.	Date
Morgantown Road	Placing on topographical survey	From Prospect Avenue northward approximately 345 feet	188-1927	12-28-1927
Morgantown Road	Opening and grading	From Belvedere Avenue to Fern Avenue	189-1927	12-28-1927
Morgantown Road	Grading and paving	From approximately 230 feet southeast of Lancaster Avenue to Fern Avenue	118-1928	10-31-1928
Morgantown Road	Changing elevations and grades	At Morgantown Road and Prospect Avenue	126-1928	10-31-1928
Morgantown Road	Stormwater sewers	From approximately 200 feet south of Lancaster Avenue southward to Park Avenue	70-1929	9-18-1929
Morgantown Road	Paving and curbing	From Eberly Street to Belevedere Avenue	34-1930	6-4-1930
Morgantown Road	Paving and curbing	From a point approximately 230 feet south of Lancaster Avenue to Summit Avenue	34-1930	6-4-1930
Morgantown Road	Opening	From Belvedere Avenue to south City line	43-1932	7-6-1932
Morgantown Road	Improving	From Station 789+00 to Station 820+25, a distance of 3125 feet	8-1959	5-27-1959
Morgantown Road	Improving	From Station 789+00 to Station 820+00, a distance of 4,368.90 feet	14-1959	7-15-1959
Morgantown Road	Easement and access agreement	Within Parcel ID No. 530620916265	6-25-2012	69-2012
Morton Place	Vacating	From Hay Street to Pershing Boulevard	37-1928	4-25-1928
Moss Street	Vacating	From the north building line of Rockland Street north to the City line	55-1916	8-16-1916
Moss Street	Sewers	From Washington Street to Court Street	26-1921	4-13-1921
Moss Street	Catch basins	—	18-1922	3-29-1922
Moss Street	Catch basins	—	28-1922	5-3-1922

Name	Activity	Location	Ord. No.	Date
Moss Street	Opening	From Union Street to 230 feet north of Exeter Street	65-1931	8-26-1931
Moss Street	Sewers	From Union Street to 250 feet north of Exeter Street	21-1932	4-13-1932
Moss Street	Vacating	From the northern building line of Bern Street to the northern property line of lands of Reading Area Water Authority	40-2013	8-26-2013
Muhenberg Street	Storm sewers	From the 10-foot alley east of Sixteenth Street to Sixteenth Street	41-1917	6-27-1917
Mulberry Street	Vacating	From the north building line of Rockland Street north to the City line	55-1916	8-16-1916
Mulberry Street	Vacating	Between Exeter Street and Bern Street	15-1927B	5-18-1927
Mulberry Street	Sewers	From Union Street to Exeter Street	21-1932	4-13-1932
Museum Road	Naming	Formerly known as Westside Road, Old Wyomissing Road and Old Powder Road	62-1941	10-22-1941

Name	Activity	Location	Ord. No.	Date
New Holland Avenue	Changing topographical intersection	The west building line of New Holland Avenue	93-1924	11-12-1924
New Holland Road	Opening	From Lancaster Avenue to present south City line	59-1932	8-31-1932
New Holland Road	Revising grade	Between Jackson Street and the west City line	22-1961	9-27-1961
New Holland Road	Vacating portion	Between Jackson Street and the southeastern and southwestern City lines and the proposed new southeastern building line of New Holland Road	22-1961	9-27-1961
New Holland Road	Improving	From Station 438+50 to Station 445+23, a distance of 673 feet	25-1967	8-9-1967
Newport Avenue	Opening and grading	From Gregg Avenue to Brookline Plaza	38-1928	4-25-1928

Name	Activity	Location	Ord. No.	Date
Newport Avenue	Opening and grading	From Brookline Plaza to Meade Street	71-1929	10-16-1929
Newport Avenue	Opening	Between Gregg Avenue and Meade Street	50-1946	10-2-1946
Nineteenth Street	Paving and improving	From the south building line of Perkiomen Avenue to the north building line of Cotton Street	38-1916	4-26-1916
Nineteenth Street	Connecting	Nineteenth Street and Mineral Spring Road with Dengler Street	66-1923	11-21-1923
Nineteenth Street	Sewers	From Fairview Street southward 528 feet	92-1931	10-7-1931
Ninth Street	Paving and improving	From Washington Street to Marion Street	22-1914	5-27-1914
Ninth Street	Paving and improving	From Marion Street to Hiester's Lane	22-1914	5-27-1914
Ninth Street	Paving and improving	From Washington Street to Walnut Street	30-1917	5-23-1917
Ninth Street	Repairing	As necessary	30-1917	5-23-1917
Ninth Street	Paving and improving	From Penn Street to Chestnut Street	26-1919	5-28-1919
Ninth Street	Changing lines	At the southeast corner of Ninth Street and Exeter Street	46-1921	8-17-1921
Ninth Street	Opening	From Union Street to Exeter Street	65-1931	8-26-1931
Ninth Street	Sewers	From Amity Street to Exeter Street	21-1932	4-13-1932
Ninth Street	Establishing curblines	At the southeast corner of Ninth Street and Buttonwood Street	50-1974	11-6-1974
Ninth Street	Establishing radius	At the southwest corner of Ninth Street and Washington Street	38-1975	8-27-1975
Noble Street	Opening and grading	From Lancaster Avenue to Summit Avenue	41-1929	7-17-1929
Noble Street	Changing curb elevations and grades	From Lancaster Avenue to Gregg Avenue	46-1929	7-24-1929
Noble Street	Paving and curbing	From Lancaster Avenue to Summit Avenue	52-1930	7-30-1930

Name	Activity	Location	Ord. No.	Date
Noble Street	Opening and grading	From Lancaster Avenue to Gregg Avenue	33-1931	6-3-1931
Noble Street	Storm sewers	From Brookline Street to Gregg Avenue	82-1931	9-9-1931
Noble Street	Paving and curbing	From Lancaster Avenue to Gregg Avenue	89-1931	10-28-1931
Noble Street	Opening	Between Summit Avenue and Upland Avenue	40-1941	8-20-1941
Noble Street	Vacating	From the south building line of Upland Avenue to the north building line of Orrton Avenue	33-1969	7-16-1969
North and South Eighth Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
North and South Ninth Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
North and South Seventh Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
North and South Sixth Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
North Eighth Street	Revising alignment	—	61-1966	11-30-1966
North Eleventh Street	Sewers	From Union Street to Exeter Street	61-1921	12-14-1921
North Eleventh Street	Changing curb elevation and grade	Between Bern Street and Rockland Street	34-1947	12-24-1947
North Eleventh Street	Changing alignment, width and grades	Between Rockland Street and north City line	53-1978	12-13-1978
North Fifteenth Street	Rerouting	From a point 230 feet north of the northern building line of Rockland Street to the north City line	7-1962	2-14-1962
North Fifth Street	Vacating	Between Marion Street and Pike Street	25-1915	5-17-1915

Name	Activity	Location	Ord. No.	Date
North Fifth Street	Vacating	Between Richmond Street and the southern right-of-way of the Reading Company	179-1926	12-1-1926
North Fifth Street	Placing on topographical survey	Between Richmond Street to the northern City line north of Berks Street and thence from the southwestern City line of Northmont to the northern City line	180-1926	12-1-1926
North Fifth Street	Improving	From Spring Street to north City line	44-1930	6-18-1930
North Fifth Street	Changing curb elevation and grade	Eastern curbline between Elm Street and Buttonwood Street	20-1945	7-25-1945
North Fourteenth Street	Grading and paving	Between Pike Street and Amity Street	21-1917	5-2-1917
North Fourteenth Street	Grading	From the northern building line of Green Street to the southern building line of Greenwich Street	10-1965	3-3-1965
North Fourth Street	Changing lines	Between Oley Street and Centre Avenue	20-1922	3-29-1922
North Fourth Street	Grading	Western side between Robeson Street and Spring Street	34-1956	6-13-1956
North Fourth Street	Vacating and removing	From the south building line of Berks Street to the north building line of Rockland Street	5-1966	2-23-1966
North Fourth Street	Vacating	From the north building line of Bern Street to the south building line of Rockland Street	34-1969	7-16-1969
North Front Street	Removing from topographical survey	From the 10-foot-wide alley north of Buttonwood Street to the Lebanon Valley Railroad	22-1948	7-7-1948
North Front Street	Vacating	From Cathedral Street north to the boundary line of the City	17-1968	4-3-1968
North Grace Street	Vacating and removing	Portion of the 100 block between Gregg Avenue	26-2003	8-11-2003

Name	Activity	Location	Ord. No.	Date
North Mill Street	Placing on topographical survey	From Marion Street to Perry Street	7-1949	5-4-1949
North Mill Street	Opening	Between Marion Street and Perry Street	7-1949	5-4-1949
North Ninth Street	Revising alignment	—	61-1966	11-30-1966
North Ninth Street	Changing building line, curbline and grade	Along eastern side between Douglass Street and Windsor Street	41-1992	5-6-1992
North Second Street	Abandoning	Between Washington Street and Walnut Street	49-1957	12-18-1957
North Second Street	Widening, revising and opening	Between Washington Street and the northern curbline of the Penn Street Bridge	46-1977	12-21-1977
North Seventeenth Street	Vacating portion	From a point 230 feet north of the north building line of Rockland Street to the north City line and North Eighteenth Street from Hampden Boulevard to the north City line and Berks Street from North Fifteenth Street to Hampden Boulevard	7-1962	2-14-1962
North Seventeenth Street	Vacating	Between north building line of Rockland Stereo and line 230 feet northward	32-1964	9-30-1964
North Seventh Street	Vacating	Public sidewalk on the west side between Washington Street and Walnut Street	31-1958	11-5-1958
North Seventh Street	Revising alignment	—	61-1966	11-30-1966

Name	Activity	Location	Ord. No.	Date
North Sixteenth Street	Vacation portion	From a point 230 feet north of the north building line of Rockland Street to the north City line and North Eighteenth Street from Hampden Boulevard to the north City line and Berks Street from North Fifteenth Street to Hampden Boulevard	7-1962	2-14-1962
North Sixteenth Street	Vacating	From the northern building line of Rockland Street to its terminus from the topographical survey of the City of Reading	68-2005	10-10-2005
North Sixth Street	Streetlighting	Between Penn Street and Walnut Street	1-1935	1-16-1935
North Sixth Street	Revising alignment	—	61-1966	11-30-1966
North Sixth Street	Changing curb grades	Between Pike Street and Richmond Street	14-1969	3-26-1969
North Tenth Street	Vacating	From the north building line of Rockland Street to the City line	55-1916	8-16-1916
North Third Street	Vacating	From Spring Street to Robeson Street	12-1943	7-21-1943
North Third Street	Extending	—	55-1949	1949
North Third Street	Vacating	Between Bern Street and Richmond Street and retaining rights-of-way	57-1952	12-31-1952
North Third Street	Vacating	From the north side of Evans Avenue to the south side of Charles Lane	6-1954	2-3-1954
North Third Street	Grading	From a point at the northern building line of Walnut Street to a point at the southern building line at Buttonwood Street	35-1955	9-14-1955
North Third Street	Vacating	From the northerly property line of the Glidden Company to the northerly building line of Rockland Street	15-1956	3-7-1956

Name	Activity	Location	Ord. No.	Date
North Third Street	Changing curb grades	Both sides from Buttonwood Street to points 545 feet northward	44-1956	8-15-1956
North Third Street	Opening	From Spring Street to Robeson Street	7-1965	2-3-1965
North Third Street	Vacating	From the north building line of Richmond Street to the south building line of Rockland Street	5-1970	1-27-1970
North Third Street	Vacating and removing	From Exeter Street to its southern terminus at Charles Lane	12-1979	4-11-1979
North Thirteenth Street	Opening and grading	From Spring Street to Robeson Street	46-1934	8-15-1934
North Thirteenth Street	Sewers	Between Spring Street and Robeson Street	88-1934	1-30-1935
North Thirteenth Street	Paving and curbing	Between Spring Street and Robeson Street	24-1935	6-19-1935
North Twelfth Street	Storm sewers	From Spring Street southward approximately 125 feet	177-1926	11-3-1926
North Twelfth Street	Storm sewers	From Douglass Street northward approximately 125 feet	177-1926	11-3-1926
North Twelfth Street	Storm sewers	From Windsor Street northward approximately 117 feet	177-1926	11-3-1926
North Twelfth Street	Storm sewers	From Oley Street northward approximately 125 feet	177-1926	11-3-1926
North Twelfth Street	Storm sewers	From Oley Street southward approximately 100 feet	177-1926	11-3-1926
North Twelfth Street	Storm sewers	From Green Street northward approximately 125 feet	177-1926	11-3-1926
North Twelfth Street	Vacating and removing	From the City line to a point 360 feet south	37-1957	10-30-1957
North Twelfth Street	Changing curb alignment	A portion of the eastern curbline between Walnut Street and Elm Street and modifying the sidewalk slope to the realigned curb	27-1978	7-6-1978

Name	Activity	Location	Ord. No.	Date
North Twelfth Street	Vacating, abandoning and removing	Between Richmond Street and Rockland Street	14-1985	2-27-1985
North Twelfth Street	Vacating, abandoning and removing	Between the north building line of Rockland Street and a line 330 feet northward	74-1985	9-11-1985
Northmont Avenue	Placing on topographical survey	From Hiester's Lane to City line	81-1915	2-2-1916
Northmont Avenue	Opening	From Hiester's Lane to City line	82-1915	2-2-1916
Northmont Boulevard	Vacating	From Hiesters Lane to Alton Avenue	173-1927	12-31-1927
Northmont Boulevard	Placing on topographical survey	From Hiesters Lane to Alton Avenue	174-1927	12-31-1927
Northmont Boulevard	Sewers	From 14-foot alley south of Bruckman Avenue north 115 feet	21-1932	4-13-1932
Northmont Boulevard	Sewers	From 14 foot alley south of Alton Avenue north 130 feet	21-1932	4-13-1932
Norton Alley	Vacating and removing	From Canal Street and its termination point approximately 272 feet east of Canal Street	35-1972	8-9-1972
Nottingham Court	Accepting	In the east bank area of the Schuylkill Urban Renewal Project	12-2000	7-10-2000

Name	Activity	Location	Ord. No.	Date
O'Reilly Alley	Grading and paving	Between Pine Street and 500 block of Strong Alley and 500 block of Minor Street	20-1974	5-22-1974
Oak Lane	Opening, grading and improving	Between Perry Street and Union Street	42-1924	6-4-1924
Oak Lane	Opening, grading and improving	Between Union Street and Bern Street	6-1925	1-28-1925

Name	Activity	Location	Ord. No.	Date
Oak Lane	Changing elevations and grades	From Perry Street to Pike Street	187-1926	12-15-1926
Oak Lane	Placing on topographical survey	From Alsace Road to Lorraine Road	191-1927	12-28-1927
Oak Lane	Placing on topographical survey	From Lorraine Road to Perry Street	30-1929	6-5-1929
Oak Lane	Opening and grading	From Perry Street to Lorraine Road	36-1929	6-26-1929
Oak Lane	Vacating	From Perry Street to east City line	45-1932	7-13-1932
Oak Lane	Placing on topographical survey	From Perry Street to east City line	46-1932	7-13-1932
Oak Street	Vacating	From the south building line of Cherry Street to the north building line of Grape Street	6-1971	2-17-1971
Old Powder House Road	Placing on topographical survey	From Barberry Road to western City line	137-1927	10-26-1927
Old Powder House Road	Opening and grading	From Barberry Road to western City line	143-1927	11-9-1927
Old Powder House Road	Paving	From Barberry Road to western City line	153-1927	11-23-1927
Old Powder House Road	Renaming	Known as Museum Road between Old Wyomissing Road and the Reading City/ Wyomissing Borough line	62-1941	10-22-1941
Old Wyomissing Road	Widening	From Westside Road to Barberry Road	138-1927	10-26-1927
Old Wyomissing Road	Placing on topographical survey	From Westside Road to a point approximately 250 feet east of Third Avenue	7-1932	3-9-1932
Old Wyomissing Road	Opening and grading	From Westside Road to a point approximately 250 feet east of Third Avenue	8-1932	3-16-1932

Name	Activity	Location	Ord. No.	Date
Old Wyomissing Road	Storm sewers	At intersection with presently unnamed street east of Parkside Drive south to Wyomissing Creek	34-1932	4-27-1932
Old Wyomissing Road	Storm sewers	From Kenhorst Boulevard to Parkside Drive (South), thence through West Reading's playground to Wyomissing Creek	34-1932	4-27-1932
Old Wyomissing Road	Paving and curbing	From Kenhorst Boulevard eastward to the projection of Third Avenue	64-1932	10-11-1932
Old Wyomissing Road	Streetlighting	From its junction with West Side Road to a point approximately 236 feet east of Third Avenue	39-1933	9-20-1933
Old Wyomissing Road	Renaming	Known as Museum Road between Westside Road and Old Powder House Road	62-1941	10-22-1941
Old Wyomissing Road	Vacating and removing	From northeast right-of-way of Hancock Boulevard to a point northeast	40-1999	12-13-1999
Oley Street	Paving	From Centre Avenue to Fourth Street	52-1921	10-3-1921
Oley Street	Changing lines	Between Centre Avenue and North Fourth Street	20-1922	3-29-1922
Oley Street (West)	Opening and grading	From Tulpehocken Street to Clinton Street	66-1931	8-26-1931
Oley Street	Storm sewers	With Moss Street	82-1931	9-9-1931
Oley Street	Storm sewers	With Mulberry Street	82-1931	9-9-1931
Oley Street (West)	Sewers	From Tulpehocken Street to Clinton Street	21-1932	4-13-1932
Oley Street	Opening	Between Eighth Street and Ninth Street	10-1953	7-8-1953
Oley Street	Opening to public use	Between the southern building line and the northerly curbline (Amending Ord. No. 10-1953)	22-1954	5-12-1954
Oley Street	Revising grade	Between Birch Street and Linden Street	11-1962	3-28-1962

Name	Activity	Location	Ord. No.	Date
Oley Street	Vacating	Between the east building line of Linden Street and the east City of Reading boundary	51-1968	10-9-1968
Oley Street	Extending	Between Sixth Street and Seventh Street	10-1972	3-22-1972
Oley Street	Vacating, abandoning and removing	The unopened portion from North Sixth Street eastward to the opened portion of Oley Street	14-1990	2-21-1990
Olive Street	Vacating	Between Union Street and Pricetown Road	26-1917	5-23-1917
Olive Street	Widening	Between Union Street and Bern Street	27-1917	5-23-1917
Olive Street	Opening, grading and paving	Between Union Street and Bern Street	29-1917	5-23-1917
Olive Street	Opening, grading and improving	Between College Avenue and Rockland Street	6-1925	1-28-1925
Olive Street	Placing on topographical survey	Between Bern Street and College Avenue	8-1925	1-28-1925
Olive Street	Opening, grading and improving	Between Bern Street and College Avenue	9-1925	1-28-1925
Olive Street	Opening and grading	From College Avenue to 230 feet north of Rockland Street	8-1931	3-4-1931
Olive Street	Changing width	From a point 230 feet north of Rockland Street to north City line	37-1931	6-10-1931
Olive Street	Changing width	From Bern Street to a point 230 feet north of Rockland Street	38-1931	6-10-1931
Olive Street	Changing curb elevations and grades	From College Avenue to 230 feet north of Rockland Street	40-1931	6-10-1931
Olive Street	Changing curb elevations and grades	From 230 feet north of Rockland Street to north City line	41-1931	6-10-1931

Name	Activity	Location	Ord. No.	Date
Olive Street	Vacating	From Perry Street southward to a point approximately 420 feet south of Marion Street	14-1932	4-27-1932
Olive Street	Sewers	From College Avenue to Rockland Street	21-1932	4-13-1932
Olive Street	Vacating portion	From a point 230 feet north of the north building line of Rockland Street to the north City line and North Eighteenth Street from Hampden Boulevard to the north City line and Berks Street from North Fifteenth Street to Hampden Boulevard	7-1962	2-14-1962
Orange Street	Paving and improving	From Chestnut Street to Franklin Street	44-1915	8-10-1915
Orange Street	Sewers	From Culvert Street to Muhlenberg Street	18-1922	3-29-1922
Orange Street	Sewers	From Culvert Street to Muhlenberg Street	28-1922	5-3-1922
Orange Street	Vacating	Between East Laurel Street and South Street	34-1943	12-22-1943
Orange Street	Vacating and removing	Between Cotton Street and East Laurel Street	13-1957	3-6-1957
Orchard Road	Opening and grading	From Barberry Road to Westside Road	53-1929	8-7-1929
Orchard Road	Removing from topographical survey	Between Museum Road and Old Wyomissing Road	9-1945	5-2-1945
Oriental Road	Opening and grading	From Richmond Street to northern City line	33-1928	4-18-1928
Oriental Road	Sewers	From Front Street to Center Avenue	21-1932	4-13-1932
Oriental Road	Vacating	From Centre Avenue to the northern City line	55-1949	1949
Ormont Avenue	Placing on topographical survey	From Northmont Avenue to Raymond Avenue	81-1915	2-2-1916
Ormont Avenue	Opening	From Northmont Avenue to Raymond Avenue	82-1915	2-2-1916

Name	Activity	Location	Ord. No.	Date
Orrton Avenue	Opening	Between Arlington Street and Crestmont Street	4-1951	2-28-1951
Orrton Avenue	Opening portion	From Morgantown Road to Arlington Street	40-1957	12-31-1957
Orrton Avenue	Opening portion	From Cresmont Street to Pansy Street	40-1957	12-31-1957
Orrton Avenue	Vacating, abandoning and removing	Between Pansy Street and Noble Street	129-1991	12-18-1991

Name	Activity	Location	Ord. No.	Date
Palm Street	Vacating	Between Pike Street and Pricetown Road	51a-1913	3-11-1914
Palm Street	Vacating	Between Berks Street and the northern City line	59-1915	12-1-1915
Palm Street	Widening	Between Pike Street and Bern Street	27-1917	5-23-1917
Palm Street	Opening, grading and paving	Between Pike Street and Bern Street	29-1917	5-23-1917
Palm Street	Opening, grading and improving	Between College Avenue and Rockland Street	6-1925	1-28-1925
Palm Street	Vacating	Between northern building line of Oley Street and the southern building line of Windsor Street	23-1925	5-6-1925
Palm Street	Opening and grading	From College Avenue to 230 feet north of Rockland Street	8-1931	3-4-1931
Palm Street	Changing width	From a point 230 feet north of Rockland Street to Berks Street	37-1931	6-10-1931
Palm Street	Changing width	From College Avenue to a point 230 feet north of Rockland Street	38-1931	6-10-1931
Palm Street	Changing curb elevations and grades	From College Avenue to 230 feet north of Rockland Street	40-1931	6-10-1931
Palm Street	Changing curb elevations and grades	From 230 feet north of Rockland Street to Berks Street	41-1931	6-10-1931

Name	Activity	Location	Ord. No.	Date
Palm Street	Vacating	Between Buttonwood Street and Green Street	11-1932	4-6-1932
Palm Street	Vacating	From Hampden Boulevard to Windsor Street	14-1932	4-27-1932
Palm Street	Sewers	From College Avenue to Rockland Street	21-1932	4-13-1932
Palm Street	Revising grade	From Rockland Street to Berks Street	14-1960	3-23-1960
Palm Street	Vacating	Between the north building line of Greenwich Street and the south building line of Oley Street	49-1968	10-2-1968
Palm Street	Vacating, abandoning and removing	Between Walnut Street and Elm Street	46-1988	5-18-1988
Pansy Street	Placing on topographical survey	From Belevedere Avenue to Grace Street	52-1923	9-19-1923
Pansy Street	Opening	Between Upland Avenue and Belvedere Avenue	32-1947	10-8-1947
Pansy Street	Opening	Between Upland Avenue and Orrton Avenue	25-1951	8-22-1951
Park Avenue	Opening and grading	From Morgantown Road to Angelica Street	41-1929	7-17-1929
Park Avenue	Paving and curbing	From Morgantown Road to Angelica Street	52-1930	7-30-1930
Park Avenue	Vacating	Between Jackson Street and Reading Belt Railroad	3-1950	3-1-1950
Park Avenue	Vacating	From the western building line of Angelica Street to the eastern right-of-way of the Reading Belt Line Railroad	55-1968	11-27-1968
Parker Avenue	Vacating	From Gerry Street to Pershing Boulevard	37-1928	4-25-1928
Parker Avenue	Opening and grading	From Hancock Boulevard to Wyomissing Boulevard	38-1928	4-25-1928
Parker Avenue	Vacating	From Gerry Street to Wyomissing Boulevard	3-1951	2-14-1951
Parkside Drive	Opening, grading and improving	From Westside Road to Evergreen Road	35-1927	3-2-1927

Name	Activity	Location	Ord. No.	Date
Parkside Drive South	Opening and grading	From Evergreen Road to west City line	53-1929	8-7-1929
Parkside Drive	Streetlighting	South between West Side Drive and Old Wyomissing Road	39-1933	9-20-1933
Parkside Drive	Changing curbline	On north side south from Westside Road to Evergreen Road	72-1934	11-7-1934
Parkside Drive	Changing width	South from Evergreen Road to the City/ Wyomissing Borough line	33-1947	11-19-1947
Parkside Drive	Opening	South from Evergreen Road to the City/Borough of Wyomissing line	33-1947	11-19-1947
Parkside Drive South	Placing on topographical survey	From Old Wyomissing Road to Wyomissing Boulevard	9-1954	3-24-1954
Parkside Drive South	Opening	From Old Wyomissing Road to Wyomissing Boulevard	36-1954	9-29-1954
Parkside Drive	Opening	Between Old Wyomissing Road to Museum Road	24-1958	8-13-1958
Parkside Drive	Establishing radius	At the southwest corner of Parkside Drive South and Museum Road	28-1975	7-2-1975
Parkview Road	Placing on topographical survey	From Old Wyomissing Road to Joan Terrace	9-1954	3-24-1954
Parkview Road	Opening	From Old Wyomissing Road to Joan Terrace	36-1954	9-29-1954
Parkview Road	Revising grade	Between Old Wyomissing Road and Joan Terrace	15-1959	7-29-1959
Parkview Road	Revising grade	Between Old Wyomissing Road to Joan Terrace	13-1960	3-23-1960
Parkview Road	Placing on topographical survey	From Old Wyomissing Road northward to the City line	9-1962	3-31-1962
Parkview Road	Opening	From Old Wyomissing Road northward to the City line	9-1962	3-31-1962
Patton Avenue	Opening	From Brookline Plaza to Wyomissing Boulevard	15-1957	4-3-1957

Name	Activity	Location	Ord. No.	Date
Paul Street	Opening	From Greenway Terrace southerly to the south City line	17-1958	7-2-1958
Paul Street	Placing on topographical survey	From Greenway Terrace southerly to the south City line	17-1958	7-2-1958
Peach Street	Storm sewers	From Cherry Street to Franklin Street	60a-1913	3-18-1914
Peach Street	Revising alignment	—	61-1966	11-30-1966
Peach Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
Peach Street	Vacating	From the south building line of Cherry Street to the north building line of Franklin Street	24-1968	5-15-1968
Pearl Street	Widening	Between Bingaman Street and Willow Street	52-1922	11-8-1922
Pearl Street	Vacating	From a point 150 feet north of the north building line of Franklin Street, 62.35 feet to south building line of Cherry Street	31-1971	10-13-1971
Pearl Street	Vacating	Between Washington Street and Court Street	63-1977	1-4-1978
Pear Street	Opening	Between Amity Street and Union Street	56a-1913	3-11-1914
Pear Street	Placing on topographical survey	Between Amity Street and Union Street	56a-1913	3-11-1914
Pear Street	Opening and grading	From Amity Street to Union Street	51-1931	7-15-1931
Pear Street	Opening	From Exeter Street to Bern Street	65-1931	8-26-1931
Pear Street	Opening and grading	From Bern Street to Richmond Street	66-1931	8-26-1931
Pear Street	Sewers	From Amity Street to Union Street	21-1932	4-13-1932
Pear Street	Sewers	From Exeter Street to Richmond Street	21-1932	4-13-1932

Name	Activity	Location	Ord. No.	Date
Pear Street	Vacating	From Arch Street to north City line	112-1927	9-14-1927
Pear Street	Opening and grading	From Richmond Street to Oriental Street	33-1928	4-18-1928
Pear Street	Curblines and grades	Between Hudson Street and Lebanon Valley Railroad	10-1954	3-10-1954
Pear Street	Opening	Between the south building line of Exeter Street to a point 95.88 feet south on the west building line, and 76.88 feet south of the east building line being the south building line of a proposed 10-foot alley	35-1965	8-4-1965
Pear Street	Removing from topographical survey	From the north building line of Union Street to a point 384.60 feet north on the west building line and 403.49 feet north on the south building line	36-1965	8-4-1965
Pear Street	Vacating and removing	From the south building line of Exeter Street southward to its present terminus at a line intersecting its western building line 95.78 feet southward and its eastern building line 76.88 feet southward	19-1978	5-25-1978
Pear Street	Vacating, abandoning and removing	From the southern side of a 5-foot-wide alley located 69.2 feet south of the southern building line produced of Hudson Street southerly to the northern right-of-way line of the Lebanon Valley Branch of the Reading (now Conrail) Railroad	28-1981	8-19-1981
Penn Street	Sidewalks and curbs	Entire length		7-28-1860
Penn Street	Paving and improving	Where necessary	38-1916	4-26-1916

Name	Activity	Location	Ord. No.	Date
Penn Street	Storm sewers	From Tenth Street to Eleventh Street and Perkiomen Avenue	56-1916	8-28-1916
Penn Street	Repairing	As necessary	30-1917	5-23-1917
Penn Street	Revising curbline	From a point 60 feet east of the east building line of Fifth Street westward, and by a circular curb to a projected south building line of Penn Street on the east curbline of Fifth Street	5-1938	4-6-1938
Penn Street	Revising curbline	From a point 60 feet west of the west building line of Fifth Street eastward, and by a circular curb to a projected south building line of Penn Street on the west curbline of Fifth Street	6-1938	4-13-1938
Penn Street	Revising topographical survey	The southern curbline from a point 60 feet west of the western building line of Fifth Street eastward to the western curbline of Fifth Street	3-1942	2-4-1942
Penn Street	Improving	From the intersection with Second Street to the intersection with Eleventh Street	24-1954	5-5-1954
Penn Street	Improving	From Station 963+54 to Station 980+02.84 for a distance of 4,899.54 feet	25-1954	5-12-1954
Penn Street	Revising alignment	—	61-1966	11-30-1966
Penn Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
Penn Street	Vacating	From the north building line of Perkiomen Avenue to the west building line of Reservoir Road	50-1969	10-22-1969
Penn Street	Vacating	A 10-foot portion along from North Sixth Street to North Seventh Street	41-1976	11-10-1976

Name	Activity	Location	Ord. No.	Date
Penn Street	Revising alignment and grades	Between Sixth Street and Seventh Street	40-1977	9-21-1977
Penn Street	Vacating	The northernmost 60 feet between North Front Street and North Second Street	47-1977	12-21-1977
Penn Street	Revising curblines and grades	Along the northern and southern sides between Fourth Street and Seventh Street	44-1993	5-19-1993
Pennsylvania Avenue	Opening	From Lancaster Avenue to the creek at Brookline Street	33-1921	6-22-1921
Pennsylvania Avenue	Opening	From Lancaster Avenue to Brookline Street	42-1923	8-1-1923
Pennsylvania Avenue	Storm sewers	From Lancaster Avenue northward 286 feet approximately	79-1924B	8-27-1924
Perkiomen Avenue	Paving and improving	From Nineteenth Street to City line	22-1914	5-27-1914
Perkiomen Avenue	Paving and improving	From Mineral Spring Road to Nineteenth Street	18-1915	4-14-1915
Perkiomen Avenue	Paving and improving	From Eleventh Street to Chestnut Street	26-1919	5-28-1919
Perkiomen Avenue	Catch basins	—	64-1922	11-22-1922
Perkiomen Avenue	Placing on topographical survey	On the north side at Fourteenth Street	23-1924	4-16-1924
Perkiomen Avenue	Opening, grading and improving	At Fourteenth Street	34-1925	7-1-1925
Perkiomen Avenue	Storm sewers	From Eighteenth Street to Nineteenth Street	140-1928	12-5-1928
Perkiomen Avenue	Revising the topographical survey	From Hill Road to Good Street	4-1947	4-2-1947
Perkiomen Avenue	Changing alignment	Between South Fourteenth Street and South Fifteenth Street	49-1973	9-12-1973

Name	Activity	Location	Ord. No.	Date
Perry Lane	Placing on topographical survey	From Oak Lane to the eastern City line	185-1926	12-15-1926
Perry Lane	Opening, grading and improving	From Oak Lane to the eastern City line	186-1926	12-15-1926
Perry Street	Storm sewers	From Thirteenth Street to Pricetown Road	60a-1913	3-18-1914
Perry Street	Grading	Between Thirteenth Street and Pricetown Road	27-1914	6-6-1914
Perry Street	Storm sewers	From Church Street to Sixth Street	41-1917	6-27-1917
Perry Street	Opening, grading and improving	Between Pricetown Road and the east City line	41-1923	7-3-1923
Perry Street	Vacating	Between River Road and Weiser Street	110-1924	3-25-1925
Perry Street	Changing elevation and grade	From Hampden Boulevard to Alsace Road	48-1925	9-9-1925
Perry Street	Vacating	From Oak Lane to the eastern City line	184-1926	12-15-1926
Perry Street	Changing elevations and grades	From Lorraine Road to Oak Lane	187-1926	12-15-1926
Perry Street	Storm sewers	From Fifth Street to Church Street	77-1930	10-8-1930
Perry Street	Opening and grading	From Weiser Street to Centre Avenue	51-1931	7-15-1931
Perry Street	Sewers	From Center Avenue to River Road	21-1932	4-13-1932
Perry Street	Sewers	From Fifth Street to Sixth Street	21-1932	4-13-1932
Pershing Avenue	Revising curb grades	Between McArthur Avenue and Funston Avenue	10-1964	3-11-1964
Pershing Boulevard	Vacating	From Sheridan Place to Parker Avenue	37-1928	4-25-1928
Pershing Boulevard	Opening and grading	From Sheridan Street to Liggett Avenue	38-1928	4-25-1928
Pershing Boulevard	Vacating	Between Liggett Avenue and Arlington Street	21-1937	11-10-1937

Name	Activity	Location	Ord. No.	Date
Pershing Boulevard	Opening and grading	From Kenhorst Boulevard to McArthur Avenue	16-1951	6-20-1951
Pershing Boulevard	Vacating	Between Liggett Avenue and Wyomissing Boulevard	23-1956	4-18-1956
Pershing Boulevard	Opening	From the property line of Reading Housing Authority eastward to McClellan Street	15-1957	4-3-1957
Pershing Boulevard	Opening portion	From Kenhorst Boulevard to the property line of the Reading Housing Authority, approximately 130 feet east of Sheridan Street	40-1957	12-31-1957
Pershing Boulevard	Opening	From McArthur Avenue to the southwestern City line	17-1962	7-11-1962
Pike Street	Opening	Between Pricetown Road and Fourteenth Street	21-1914	5-27-1914
Pike Street	Opening, grading and paving	Between Linden Street and Fourteenth Street	29-1917	5-23-1917
Pike Street	Sewers	From Moss Street to Tenth Street	18-1922	3-29-1922
Pike Street	Sewers	From Moss Street to Tenth Street	28-1922	5-3-1922
Pike Street	Vacating	Between Oak Lane and eastern City line	95-1924	11-12-1924
Pike Street	Storm sewers	From Thirteenth Street to Linden Street	181-1926	11-10-1926
Pike Street	Sewers	From Fifth Street to Sixth Street	21-1932	4-13-1932
Pike Street	Sewers	From Center Avenue to River Road	21-1932	4-13-1932
Pike Street	Vacating	From the western building line of McKnight Street to the eastern building line of Weiser Street	20-1944	9-13-1944
Pike Street	Vacating	From the eastern building line of North Sixth Street to the western building line of North Ninth Street	54-1954	12-15-1954

Name	Activity	Location	Ord. No.	Date
Pike Street	Vacating, abandoning and removing	From 20 feet west of an 18-foot-wide alley abutting the rear of 1334 through 1362 North Front Street to McKnight Street	38-1982	3-2-1983
Pine Street	Storm sewers	From Third Street to Fourth Street	46-1925	8-12-1925
Pine Street	Changing curb grades	From the southeastern curb corner of Second Street and Pine Street	1-1955	1-12-1955
Pine Street	Vacating	Between the west building line of South Third Street 445.95 feet westerly to the east building line of proposed South Second Street	4-1974	1-23-1974
Plum Street	Renaming	Known as Minor Street between Spruce Street and Bingaman Street	26-1951	11-7-1951
Plum Street	Revising alignment	—	61-1966	11-30-1966
Plum Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
Plum Street	Vacating	From the south building line of Cherry Street to the north building line of Franklin Street	61-1970	12-30-1970
Poplar Street	Storm sewers	From Walnut Street southward 220 feet	140-1928	12-5-1928
Poplar Street	Revising alignment	—	61-1966	11-30-1966
Poplar Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
Poplar Street	Change curb grade	Between Molino Street and Bright Street	31-1967	10-18-1967
Poplar Street	Changing elevations	Between a point 183.17 feet north of the north building line of Walnut Street and the north building line of Bright Street	53-1968	10-23-1968

Name	Activity	Location	Ord. No.	Date
Poplar Street	Vacating	From Court Street to Washington Street	41-1971	11-10-1971
Poplar Street	Vacating, abandoning and removing	From a line 183.61 feet north of the northern building line of Walnut Street to its termination; northwardly, between Bright Street and Buttonwood Street projected	57-1993	6-9-1993
Potter Street	Opening	From Clarion Street to a point 50 feet west	20-1961	8-23-1961
Pricetown Road	Widening	Between Thirteenth Street and Perry Street	51-1919	12-17-1919
Pricetown Road	Grading	Between Thirteenth Street and Perry Street	29-1921	4-27-1921
Pricetown Road	Renaming	From Douglass Street to the City limits known as Hampden Boulevard	84-1924	10-1-1924
Printz Street	Renaming	Formerly Rehr Street	43a-1913	2-18-1914
Prospect Avenue	Opening and grading	From Morgantown Road to Bartlett Street	189-1927	12-28-1927
Prospect Avenue	Opening and grading	From Hazel Street to Morgantown Road	134-1928	12-19-1928
Prospect Avenue	Opening and grading	From Morgantown Road to Crestmont Street	135-1928	11-28-1928
Name	**Activity**	**Location**	**Ord. No.**	**Date**
Raymond Avenue	Placing on topographical survey	From Hoffer Avenue to northern City line	81-1915	2-2-1916
Raymond Avenue	Opening	From Hoffer Avenue to northern City line	82-1915	2-2-1916
Raymond Avenue	Storm sewers	From Delta Avenue to north City line eastward approximately 80 feet	48-1931	6-3-1931
Raymond Avenue	Sewers	From Hoffer Avenue north 150 feet	21-1932	4-13-1932
Raymond Avenue	Relocating and realigning	Between Delta Avenue and the north City line	38-1935	9-25-1935
Raymond Avenue	Storm sewers	On the east side of Raymond Avenue at the City line	48-1936	10-3-1936

Name	Activity	Location	Ord. No.	Date
Raymond Avenue	Storm sewers	At City line	48-1936	10-3-1936
Raymond Avenue	Vacating	Between Delta Avenue and the north City boundary line	19-1950	7-12-1950
Reed Street	Revising alignment	—	61-1966	11-30-1966
Reed Street	Revising curb alignment	As located in Plan 1182-A	24-1967	7-19-1967
Reed Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
Reed Street	Opening	Between the northern building line of Court Street and the southern building line of Washington Street	25-1978	7-6-1978
Reed Street	Widening	Between the northern building line of Court Street and the southern building line of Washington Street from 20 feet to 34 feet	25-1978	7-6-1978
Rehr Street	Renaming	Formerly Printz Street	43a-1913	2-18-1914
Richards Street	Vacating	Between Nicolls Street and the right-of-way of the Philadelphia and Reading Railway	37-1922	7-26-1922
Richard Street	Renaming	Known as Windsor Street between Nicolls Street and North Eighth Street	2-1959	3-25-1959
Richmond Street	Opening, grading and improving	Between Twelfth Street and Fourteenth Street	6-1925	1-28-1925
Richmond Street	Changing elevation and grade	From Alsace Road to Lorraine Road	50-1925	10-14-1925
Richmond Street	Vacating	Between Front Street and River Road	11-1927	2-9-1927
Richmond Street	Placing on topographical survey	Between Front Street and River Road	12-1927	2-9-1927
Richmond Street	Opening and grading	From Kutztown Road to Twelfth Street	81-1927	7-13-1927

Name	Activity	Location	Ord. No.	Date
Richmond Street	Widening	From Front Street to Pear Street	115-1927	9-14-1927
Richmond Street	Widening	From Pear Street to Sixth Street	178-1927	12-31-1927
Richmond Street	Storm sewers	From Kutztown Road to Twelfth Street	184-1927	12-7-1927
Richmond Street	Opening and grading	From Front Street to Pear Street	33-1928	4-18-1928
Richmond Street	Opening and grading	From Birch Street to Fourteenth Street	7-1931	3-4-1931
Richmond Street	Opening and grading	From Twelfth Street to Thirteenth Street	51-1931	7-15-1931
Richmond Street	Opening	From Fifth Street to Sixth Street	65-1931	8-26-1931
Richmond Street	Opening and grading	From Front Street to Fifth Street	66-1931	8-26-1931
Richmond Street	Renaming	Known as College Avenue from Sixteenth Street to Hampden Boulevard	78-1931	10-7-1931
Richmond Street	Changing curb elevations and grade	From Linden Street to Fourteenth Street	88-1931	10-28-1931
Richmond Street	Sewers	From Sixth Street to Front Street	21-1932	4-13-1932
Richmond Street	Sewers	From Kutztown Road to Fourteenth Street	21-1932	4-13-1932
Richmond Street	Establishing curb grade	On the southern side at Madison Avenue	4-1945	2-7-1945
Richmond Street	Changing curb elevation and grade	Between Locust Street and a point west of Eleventh Street	34-1947	12-24-1947
Richmond Street	Changing curb elevation and grade	Between Fourth Street and Fifth Street	43-1949	10-17-1949
Richmond Street	Vacating portion	From River Road to Front Street	22-1958	9-3-1958
Richmond Street	Vacating	From the west building line of Madison Avenue to the west building line of North Fourth Street	13-1974	4-3-1974
Richmond Street	Vacating and removing	From Centre Avenue to Front Street	16-1979	4-25-1979

Name	Activity	Location	Ord. No.	Date
Ringler Alley	Vacating and removing	From Spruce Street to Norton Alley	34-1972	8-9-1972
Ritter Street	Vacating	Between River Road and western right-of-way line of the Belt Line Railroad	11-1927	2-9-1927
Ritter Street	Sewers	From West Douglass Street north 250 feet	21-1932	4-13-1932
Ritter Street	Vacating	As located on Plan No. 6041	11-1964	4-1-1964
Ritter Street	Vacating	From West Robeson Street to West Spring Street	28-1964	9-23-1964
Riverfront Drive (formerly Water Street	Opening, establishing alignment and grading	From the western building line of Front Street to the western building line of South Third Street	6-1974	1-30-1974
Riverfront Drive	Opening	Between the eastern building line of South Third Street and the western building line of South Fourth Street	26-1978	7-6-1978
River Road	Grading	From Bern Street to Rockland Street	61-1916	9-11-1916
River Road	Improving	As shown on the plan marked BR-14	8-1923	2-28-1923
River Road	Opening	From West Douglass Street to Bern Road	4-1929	2-20-1929
River Road	Opening	From Front Street to West Douglass Street	4-1929	2-20-1929
River Road	Improving	From Gordon Street to east of Schuylkill Avenue	62-1929	8-14-1929
River Road	Sidewalks	From Washington Street to Green Street	72-1929	10-16-1929
River Road	Sewers	Northwest of Bern Street	99-1929	12-18-1929
River Road	Opening and grading	From second angle east of Schuylkill Avenue to Spring Street (West) at Eckert Street	66-1931	8-26-1931
River Road	Revising curb elevations and grades	From West Union Street to approximately 290 feet south of south curbline of West Union Street	67-1931	8-26-1931

Name	Activity	Location	Ord. No.	Date
River Road	Sewers	From Gordon Street to Spring Street at Eckert Street	21-1932	4-13-1932
River Road	Storm sewers	South of Richmond Street	49-1936	10-7-1936
River Road	Storm sewers	South of Richmond Street	49-1936	10-7-1936
River Road	Sewers	From the end of the existing 30-inch sewer, approximately 157 feet west of East McKnight Street to a point 299.48 feet northwest of Richmond Street	38-1952	8-27-1952
River Road	Vacating portion	From the eastern right-of-way line of the Reading Belt Line Railroad to Bern Street	22-1958	9-3-1958
River Road	Opening	As located on Plan No. 6041	11-1964	4-1-1964
River Road	Vacating	As located on Plan No. 6041	11-1964	4-1-1964
River Road	Widening, revising and opening	Between West Elm Street and Penn Street	46-1977	12-21-1977
River Road	Vacating, abandoning and removing	Between Jefferson Street and Buttonwood Street (north ramp)	41-1981	8-5-1981
Robeson Street	Grading	Between Centre Avenue and Fourth Street	86-1914	12-16-1914
Robeson Street	Opening	Between Centre Avenue and Fourth Street	87-1914	1-20-1915
Robeson Street	Grading	From Centre Avenue to Fourth Street	88-1914	1-20-1915
Robeson Street	Catch basins	—	18-1922	3-29-1922
Robeson Street	Catch basins	—	28-1922	5-3-1922
Robeson Street	Opening and grading	From River Road to Weiser Street	51-1931	7-15-1931
Robeson Street	Revising curb elevations and grades	From River Road to Weiser Street	67-1931	8-26-1931

Name	Activity	Location	Ord. No.	Date
Robeson Street	Vacating	From Hampden Boulevard eastward to a point approximately 235 feet east of Fifteenth Street	14-1932	4-27-1932
Robeson Street	Sewers	From Weiser Street to River Road	21-1932	4-13-1932
Robeson Street	Sewers	Between Fourth Street and Rose Street	10-1940	2-28-1940
Rockland Street	Vacating	From eastern right-of-way line of the main line of the Philadelphia and Reading Railway Company to the western right-of-way line of the East Penn Branch of the Philadelphia and Reading Railway Company	80-1915	2-2-1916
Rockland Street	Opening, grading and improving	Between Fourteenth Street and Hampden Boulevard	6-1925	1-28-1925
Rockland Street	Changing elevation and grade	From Alsace Road to Lorraine Road	50-1925	10-14-1925
Rockland Street	Vacating	Between East McKnight Street and the western right-of-way line of the Belt Line Railroad	11-1927	2-9-1927
Rockland Street	Vacating	From East McKnight Street to Third Street	112-1927	9-14-1927
Rockland Street	Widening	From Moss Street to Hampden Boulevard	178-1927	12-31-1927
Rockland Street	Opening and grading	From Third Street to Rose Street	33-1928	4-18-1928
Rockland Street	Opening and grading	From Fourteenth Street to Hampden Boulevard	8-1931	3-4-1931
Rockland Street	Changing curb elevations and grades	From Fourteenth Street to Hampden Boulevard	40-1931	6-10-1931
Rockland Street	Sewers	From Fourteenth Street to Hampden Boulevard	21-1932	4-13-1932
Rockland Street	Extending	—	55-1949	1949

Name	Activity	Location	Ord. No.	Date
Rockland Street	Vacating	From the center line of Rose Street to the eastern building line of Centre Avenue	15-1956	3-7-1956
Rockland Street	Rerouting	60 feet wide from the center line of Rose Street southwestwardly to the eastern building line of Centre Avenue	15-1956	3-7-1956
Rockland Street	Vacating and removing	Between North Fifth Street and the eastern right-of-way line of the Main Line of the Reading Company Railroad	16-1957	4-10-1957
Rockland Street	Revising curbline	At the northwest corner with Thirteenth Street	7-1963	2-6-1963
Rockland Street	Opening	From Eleventh Street to Thirteenth Street	9-1963	3-20-1963
Rockland Street	Vacating	As located on Plan No. 6041	11-1964	4-1-1964
Rockland Street	Opening	Between east curbline of Kutztown Road and west curbline of North Eleventh Street	27-1967	9-6-1967
Rockland Street	Vacating, abandoning and removing	Between North Thirteenth Street and North Fourteenth Street	52-1981	11-18-1981
Rose Street	Water pipe	Beginning at Rose Street and Elm Street, on Rose Street to Walnut Street thence to building	51-1915	9-15-1915
Rose Street	Opening and grading	Between Spring Street and Robeson Street	32-1919	8-6-1919
Rose Street	Vacating	From 288 feet north of north building line of Rockland Street to north City line	112-1927	9-14-1927
Rose Street	Opening and grading	From Rockland Street to Oriental Road	33-1928	4-18-1928
Rose Street	Storm sewers	From Walnut Street southward approximately 80 feet	140-1928	12-5-1928

Name	Activity	Location	Ord. No.	Date
Rose Street	Sewers	From Exeter Street to Bern Street	21-1932	4-13-1932
Rose Street	Vacating	Between Richmond Street and Rockland Street	29-1935	7-3-1935
Rose Street	Extending	—	55-1949	1949
Rose Street	Vacating	From the north side of Evans Avenue to the south side of Exeter Street	6-1954	2-3-1954
Rose Street	Vacating	From the northern building line of Exeter Street to a point between Exeter Street and Bern Street	28-1954	6-23-1954
Rose Street	Vacating	Between Rockland Street and Berks Street	6-1955	2-9-1955
Rosemont Boulevard	Placing on map	From Thirteenth Street to the northern City line	64-1915	12-1-1915
Rosemont Boulevard	Opening	From Thirteenth Street to the northern City line	67-1915	12-1-1915
Rosemont Boulevard	Revising grade	From Thirteenth Street to the north City line	14-1960	3-23-1960
Rosemont Avenue	Reducing width	To 38-foot-wide right-of-way from North Thirteenth Street eastward to the sidewalk area	102-1990	8-8-1990
Rose Virginia Road	Placing on topographical survey	From Wyomissing Boulevard to west City line	74-1929	11-13-1929
Rose Virginia Road	Opening and grading	From Wyomissing Boulevard to west City line	95-1929	1-8-1930
Route 506	Changing grade	—	101-1927	8-3-1927

Name	Activity	Location	Ord. No.	Date
St. Bernadine Street	Dedicating	Through Angelica Park to Route 10	6-2008	1-28-2008
St. Bernardine Street	Placing on topographical survey	From Greenway Terrace to the southern City line	40-1948	10-20-1948
St. Bernardine Street	Renaming	Known as St. Bernardine Street between Upland Avenue and Greenway Terrace	40-1948	10-20-1948

Name	Activity	Location	Ord. No.	Date
St. Bernardine Street	Naming	Formerly known as St. Bernadine Street	40-1948	10-20-1948
St. Bernardine Street	Opening portion	From Upland Avenue to south City line	40-1957	12-31-1957
St. Francis Street	Opening	Between Greenway Terrace and Upland Avenue	11-1958	4-30-1958
St. Francis Street	Vacating and removing	From the south building line of Upland Street to the north building line of Greenway Terrace	13-1967	5-10-1967
St. George Street	Vacating portion	From the northern building line of Upland Avenue to the southeastern building line of Summit Avenue	22-1961	9-27-1961
St. George Street	Vacating portion	Unopened 300 Block	56-2015	11-9-2015
St. Nicholas Street	Opening	Between Upland Avenue and Greenway Terrace	21-1962	8-1-1962
Schuylkill Avenue	Paving and improving	From Front Street to Douglass Street	22-1914	5-27-1914
Schuylkill Avenue	Paving and improving	From the north building line of Oley Street to the Schuylkill Avenue bridge	26-1919	5-28-1919
Schuylkill Avenue	Improving	As shown on the plan marked BR-14	8-1923	2-28-1923
Schuylkill Avenue	Stormwater sewers	—	45-1925	8-12-1925
Schuylkill Avenue	Opening	From the south building line of Blair Avenue to the present northern City line	75-1927	7-6-1927
Schuylkill Avenue	Paving and improving	From the south building line of Blair Avenue to the present northern City line	76-1927	7-6-1927
Schuylkill Avenue	Opening	From Oley Street to River Road	65-1931	8-26-1931
Schuylkill Avenue	Sewers	From Oley Street (West) to Windsor Street (West)	21-1932	4-13-1932
Schuylkill Avenue	Revising curb elevations and grades	From a point south of Mercer Street northward to the northern City line	31-1937	7-21-1937
Schuylkill Avenue	Improving	At Mercer Street	42-1939	8-23-1939

Name	Activity	Location	Ord. No.	Date
Schuylkill Avenue	Vacating	From northern building line of Mercer Street to northern City line	45-1939	10-4-1939
Schuylkill Avenue	Opening	From the northern building line of Mercer Street to the northern City line	45-1939	10-4-1939
Schuylkill Avenue	Improvements	SR 310-15 from Station 114+59 to Station 157+29 distance of 4,270 feet	3-1958	1-29-1958
Schuylkill Avenue	Revising grade	Between Avenue "A" and Lackawanna Street	6-1959	4-30-1959
Schuylkill Avenue	Vacating	Between Walnut Street and North Second Street and North Front Street	47-1977	12-21-1977
Scott Street	Vacating	From Sheridan Street to Hancock Street	37-1928	4-25-1928
Scott Street	Opening and grading	From Sheridan Street to Pershing Boulevard	38-1928	4-25-1928
Scott Street	Opening	From Kenhorst Boulevard to McArthur Avenue	36-1955	9-21-1955
Scott Street	Opening	From property line of Reading Housing Authority eastward to Wyomissing Boulevard	15-1957	4-3-1957
Scott Street	Opening	From McArthur Avenue to Putman Place	11-1960	3-9-1960
Scott Street	Opening	Between the east building line of Kenhorst Boulevard and the east building line of Sheridan Street	35-1966	8-10-1966
Scott Street	Revising curb grades	Between Putnam Place and Funston Avenue within the boundary of the City	61-1983	11-2-1983
Second Street	Paving and improving	From Court Street to Washington Street	22-1914	5-27-1914
Second Street	Paving	From Franklin Street to Chestnut Street	51-1914	7-29-1914
Second Street	Sewers	From Greenwich Street to Elm Street	26-1921	4-13-1921
Second Street	Paving and improving	From Oley Street to Douglass Street	36-1923	6-20-1923

Name	Activity	Location	Ord. No.	Date
Second Street	Improving	From Station 42+74 to Station 53+79, a distance of 1,105 feet	14-1965	3-10-1965
Sedgwick Street	Opening and grading	From Kenhorst Boulevard to Liggett Avenue	38-1928	4-25-1928
Sedgwick Street	Vacating	From the east building line of Kenhorst Boulevard to the west building line of Sheridan Street	49-1969	9-24-1969
Seventeenth and One-Half street	Vacating	Between Haak Street and Klein Avenue	51-1917	9-26-1917
Seventeenth and One-half Street	Vacating	Between Klein Avenue and Mineral Spring Road	39-1922	8-2-1922
Seventeenth and One-half Street	Grading	From the south curbline of Fairview Street to 120 feet south of Fairview Street	152-1926	9-15-1926
Seventeenth Street	Sewers	North of Perkiomen Avenue	18-1922	3-29-1922
Seventeenth Street	Sewers	North on Perkiomen Avenue	28-1922	5-3-1922
Seventeenth Street	Opening, grading and improving	Between College Avenue and Rockland Street	6-1925	1-28-1925
Seventeenth Street	Storm sewers	From Haak Street southward 410 feet	140-1928	12-5-1928
Seventeenth Street	Opening and grading	From College Avenue to 230 feet north of Rockland Street	8-1931	3-4-1931
Seventeenth Street	Changing curb elevations and grades	From College Avenue to 230 feet north of Rockland Street	40-1931	6-10-1931
Seventeenth Street	Changing curb elevations and grades	From 230 feet north of Rockland Street to the north City line	41-1931	6-10-1931
Seventeenth Street	Sewers	From Richmond Street to Rockland Street	21-1932	4-13-1932
Seventeenth Street	Curbing	From Fairview Street 125 feet northward	64-1955	12-28-1955
Seventh Street	Vacating	From Rockland Street to the old northern City line	80-1915	2-2-1916
Seventh Street	Stormwater sewers	From Penn Street to Court Street	50-1929	7-3-1929

Name	Activity	Location	Ord. No.	Date
Seventh Street	Improving	On east side from Court Street northward to Washington Street, thence eastward on Washington Street along the bridge approach	27-1935	5-29-1935
Seventh Street	Opening	Between Penn Street and Cherry Street	34-1979	9-26-1979
Sheffield Court	Accepting	In the east bank area of the Schuylkill Urban Renewal Project	12-2000	7-10-2000
Sheridan Street	Vacating	From Gregg Avenue to Scott Place	37-1928	4-25-1928
Sheridan Street	Opening and grading	From Scott Street to Brookline Plaza	38-1928	4-25-1928
Sheridan Street	Opening and grading	From Brookline Plaza to Newport Avenue	71-1929	10-16-1929
Sheridan Street	Opening	From Pershing Boulevard to Scott Street	16-1963	6-19-1963
Sheridan Street	Renaming	Known as Margaret Street between Pershing Boulevard and Scott Street	97-1994	8-31-1994
Sheridan Street	Vacating	Located in the 18th Ward	9-2011	2-14-2011
Sixteenth Street	Vacating	Between Exeter Street and Pricetown Road	26-1917	5-23-1917
Sixteenth Street	Opening, grading and paving	Between Exeter Street and Bern Street	29-1917	5-23-1917
Sixteenth Street	Opening, grading and improving	Between Bern Street and Richmond Street	6-1925	1-28-1925
Sixteenth Street	Opening and grading	From College Avenue to 230 feet north of Rockland Street	8-1931	3-4-1931
Sixteenth Street	Changing curb elevations and grades	From College Avenue to 230 feet north of Rockland Street	40-1931	6-10-1931
Sixteenth Street	Changing curb elevations and grades	From 230 feet north of Rockland Street to the north City line	41-1931	6-10-1931
Sixteenth Street	Vacating	From Perry Street southward to Marion Street	14-1932	4-27-1932

Name	Activity	Location	Ord. No.	Date
Sixteenth Street	Sewers	From Bern Street to Rockland Street	21-1932	4-13-1932
Sixth Street	Paving and improving	From Walnut Street to Buttonwood Street	22-1914	5-27-1914
Sixth Street	Storm sewers	From Penn Street to Washington Street	38-1915	6-30-1915
Sixth Street	Vacating	From the northern property line of the American Skale Manufacturing Company to the old northern City line	80-1915	2-2-1916
Sixth Street	Paving and improving	From the north building line of Chestnut Street to the north building line of Bingaman Street	38-1916	4-26-1916
Sixth Street	Paving and improving	From the north building line of Oley Street to the north building line of Windsor Street	38-1916	4-26-1916
Sixth Street	Paving and improving	From Windsor Street to Spring Street	26-1919	5-28-1919
Sixth Street	Opening	From Robeson Street to Amity Street	65-1931	8-26-1931
Sixth Street	Opening and grading	From Amity Street to Richmond Street	66-1931	8-26-1931
Sixth Street	Sewers	From Robeson Street to Richmond Street	21-1932	4-13-1932
Skyline Drive	Easement	Within Parcel ID No. 5317-02-76-2194	67-2012	6-25-2012
Snyder Street	Opening and grading	From Lackawanna Street to the northern City line	77-1924	9-3-1924
Snyder Street	Opening	Between Mercer Street and Lackawanna Street	53-1941	10-1-1941
South Eighth Street	Water	Between Chestnut Street and Bingaman Street	53-1916	7-26-1916
South Eighth Street	Revising alignment	—	61-1966	11-30-1966
South Fifteenth Street	Changing curb grades	Eastern curbline for a distance of 45 feet northward from the northern building line of Cotton Street	35-1956	6-13-1956

Name	Activity	Location	Ord. No.	Date
South Fifth Street	Revising curb elevations and grades	Between the west curbline on the south building line of Penn Street and a point on the south curbline of Penn Street approximately 100 feet west thereof	30-1938	9-7-1938
South Fourteenth and One-Half Street	Vacating and removing from the topographical survey of the City of reading	Beginning at a point 299.82 feet south of the southern building line of Fairview Street and on the eastern building line of South Fourteenth and One-Half Street; thence extending southerly along the eastern topographical building line 50.08 feet to a point being the southern most part of South Fourteenth and One-Half Street on the topographical map; thence extending westerly 60 feet to the western topographical building line of South Fourteenth and One-Half Street; thence extending northerly along the western topographical building line of South Fourteenth and One-Half Street 50.08 feet to a point; thence extending 60 feet easterly to the point of beginning. Containing in area, 0.068 acres, more or less.	24-2006	3-13-2006

Name	Activity	Location	Ord. No.	Date
South Fourteenth Street	Vacating and removing from the topographical survey of the City of reading	From a point 355.25 feet south of the southern building line of Fairview Street and on the eastern building line of South Fourteenth Street; thence extending southerly along the eastern topographical building line 173.58 feet to a point being the southern most part of South Fourteenth Street on the topographical map; thence extending westerly 60 feet to the western topographical building line of South Fourteenth Street; thence extending northerly along the western topographical building line of South Fourteenth Street 173.58 feet to a point; thence extending 60 feet easterly to the point of beginning. Containing in area, 0.23 acres, more or less	23-2006	3-13-2006
South Fourth Street	Vacating	From the southern building line extended of Laurel Street to the northern building line of Canal Street	42-1977	10-5-1977
South Front Street	Opening, establishing alignment and grading	From Penn Street to Franklin Street	6-1974	1-30-1974
South Front Street	Changing alignment, width and grades	Between Penn Street and Franklin Street; Riverfront Drive	50-1996	12-23-1996
South Nineteenth Street	Stormwater sewers	From Perkiomen Avenue to Cotton Street	46-1925	8-12-1925
South Ninth Street	Improving	State Highway Route No. 147-10, from Station 59+67 to Station 96+25, a distance of 3,658 feet	43-1956	8-15-1956

Name	Activity	Location	Ord. No.	Date
South Ninth Street	Revising alignment	—	61-1966	11-30-1966
South Ninth Street	Changing alignment	Between the south building line of Penn Street and the north building line of Cherry Street	45-1970	10-7-1970
South Second Street	Opening, establishing alignment and grading	From Penn Street to Riverfront Drive	6-1974	1-30-1974
South Seventh Street	Curblines and grades	On eastern side in front of property numbers 39, 41 and 43	23-1952	5-7-1952
South Seventh Street	Revising alignment	—	61-1966	11-30-1966
South Sixth Street	Revising alignment	—	61-1966	11-30-1966
South Sixth Street	Changing alignment, width and grades	Between Penn Street and Cherry Street	101-1995	9-20-1995
South Street	Vacating	Between the eastern building line of Seventh Street and the western building line of Ninth Street	55-1919	12-10-1919
South Street	Changing alignment, width and grades	Between Canal Street and South Seventh Street		
South Third Street	Vacating	Between proposed Pine Street (also proposed Riverfront Drive) and proposed South Second Street (Bingaman Street) beginning 530.38 feet south of the south building line of existing Pine Street	4-1974	1-23-1974
South Third Street	Opening, establishing alignment and grading	From Spruce Street to a point 530.68 south of the south building line of Pine Street	6-1974	1-30-1974

Name	Activity	Location	Ord. No.	Date
South Third Street	Reducing width	From its southern terminus northward to the southern building line of Riverfront Drive from 60 feet to 47 feet by vacating the 13-foot-wide sidewalk on and along the western side of this portion	40-1978	9-20-1978
South Third Street	Vacating and removing	The topographical survey located south of Riverfront Drive.	19-2003	5-27-2003
South Third Street	Vacating and removing from the topographical survey of the City of reading	South of Riverfront Drive 60 feet wide as shown on the partial vacation of South Third Street Plan, prepared by Stackhouse Bensinger, Inc., Plan No. 1125-005-A1.1, dated September 2, 2005. Containing in area 13,711 square feet	34-2006	4-24-2006
South Thirteenth Street	Changing curb elevation and grade	From Chestnut Street to a point 64 1/2 feet south of the southern building line of Chestnut Street	6-1947	4-16-1947
Speidel Street	Opening and grading	From Tulpehocken Street	78-1930	11-5-1930
Spring Garden Street	Placing on topographical survey	From Culvert Street to Laurel Street	81-1929	11-13-1929
Spring Garden Street	Opening and grading	From Culvert Street to Laurel Street	100-1929	1-15-1930
Spring Street	Paving and improving	From Ninth Street to Tenth Street	18-1915	4-14-1915
Spring Street	Paving and improving	From Eleventh Street to Pricetown Road	44-1915	8-10-1915
Spring Street	Paving and improving	From the west building line of Centre Avenue to 50 feet west of the west building line of Front Street	38-1916	4-26-1916
Spring Street	Paving and improving	From the west building line of Sixth Street to the east building line of Rose Street	38-1916	4-26-1916

Name	Activity	Location	Ord. No.	Date
Spring Street	Paving	From Rose Street to Centre Avenue	19-1921	3-30-1921
Spring Street	Opening and grading	Between River Road and Lincoln Street	23-1930	4-30-1930
Spring Street	Opening and grading	From River Road to McKnight Street	51-1931	7-15-1931
Spring Street	Vacating	From Hampden Boulevard eastward to Fifteenth Street	14-1932	4-27-1932
Spring Street	Sewers	From McKnight Street to River Road	21-1932	4-13-1932
Spring Street	Improving	From Eighth Street to Ninth Street	27-1934	5-2-1934
Spring Street	Revising curb grade	Between Centre Avenue and Eighth Street	12-1962	4-25-1962
Spring Street	Improving	From Station 0+00 to Station 23+78, distance of 2,378 feet	14-1963	4-17-1963
Spring Street	Improving	From the intersection with Centre Avenue at Station 0+26 to the intersection with Eighth Street at Station 35+20	29-1965	6-16-1965
Spruce Street	Paving and improving	From Front Street to Second Street	22-1914	5-27-1914
Spruce Street	Paving and improving	From Second Street to Third Street	18-1915	4-14-1915
Spruce Street	Paving	From Third Street to Fifth Street	19-1921	3-30-1921
Spruce Street	Stormwater sewers	From Third Street to Fourth Street	46-1925	8-12-1925
Spruce Street	Storm sewers	From Tenth Street westward approximately 120 feet	140-1928	12-5-1928
Spruce Street	Storm sewers	From Tenth Street eastward approximately 360 feet	140-1928	12-5-1928
Spruce Street	Storm sewers	From Ninth Street to Orange Street	140-1928	12-5-1928
Spruce Street	Vacating and removing	From the western building line of Canal Street to its terminus at the east bank of the Schuylkill River	43-1972	10-18-1972

Name	Activity	Location	Ord. No.	Date
Spruce Street	Opening, establishing alignment and grading	From South Third Street to Canal Street	6-1974	1-30-1974
Spruce Street	Vacating	Between the eastern building line of South Second Street and a line 8 feet west of the western side of Biddle Alley extended	56-1977	12-21-1977
SR 160	Improving	From approximately 305 feet south of the intersection with Lincoln Street at Station 140+00 to approximately 150 north of the intersection with Cleveland Avenue at Station 167+16.07	14-1957	3-20-1957
State Highway Route No. 157	Improving	From Station 60+12 to Station 117+15, Station 118+75 to Station 123+36.50, a distance of 6,164.50 feet	8-1965	2-3-1965
Stephen's Court	Grading and paving	A 10-foot-wide alley, from Minor Street east to an unnamed alley	28-1972	6-14-1972
Stephen's Court	Grading and paving	A 10-foot-wide alley, from Bell Alley to Minor Street	28-1972	6-14-1972
Steuben Road	Opening, grading and improving	Between Hill Road and property of Charles W. and George W. Benz	20-1925	4-22-1925
Steuben Road	Placing on topographical survey	From a point approximately 620 feet east of Hill Road eastward approximately 320.22 feet	181-1927	12-31-1927
Steuben Road	Vacating	From a point of curvature approximately 390 feet west of the stone at the southeast corner of Hill Road and Steuben Road to Trooper Road	23-1928	4-4-1928
Steuben Road	Opening portion	East of Hill Road to east of Trooper Road	40-1957	12-31-1957

Name	Activity	Location	Ord. No.	Date
Stiegel Road	Vacating	From the southwestern property line of Hessian Camp Addition No. 2 to Trooper Road	23-1928	4-4-1928
Stiegel Road	Vacating	Between Hill Road and Trooper Road	31-1973	7-3-1973
Summit Avenue	Opening and grading	From Morgantown Road to Angelica Street	41-1929	7-17-1929
Summit Avenue	Paving and curbing	From Morgantown Road to Angelica Street	52-1930	7-30-1930
Summit Avenue	Vacating portion	From the southwestern right-of-way line of the Belt Line Branch of the Reading Company to the northern building line of Upland Avenue	22-1961	9-27-1961
Summit Avenue	Vacating	From a line 360 feet west of the westerly building line of Noble Street westward to its terminus at the eastern right-of-way line of the Reading Railroad Belt Line Railroad (now Conrail)	27-1977	8-3-1977
Summit Chase Drive	Opening	A cul-de-sac street, between its eastern terminus and the southern building line of Joan Terrace	31-1978	7-26-1978
Sycamore Road	Opening and grading	From Front Street to Oriental Road	33-1928	4-18-1928
Sycamore Road	Sewers	From Front Street to Oriental Road	21-1932	4-13-1932
Sycamore Road	Vacating	From the east building line of Front Street to the north building line of South Oriental line of Richmond Street to the west building line of Centre Avenue	10-1968	2-28-1967

Name	Activity	Location	Ord. No.	Date
Tenth Street	Paving and improving	—	18-1915	4-14-1915
Tenth Street	Paving and improving	From the north building line of Walnut Street to the north building line of Spring Street	38-1916	4-26-1916
Tenth Street	Paving and improving	From Spring Street to the north building line of Robeson Street	26-1919	5-28-1919
Tenth Street	Paving	From Robeson Street to Pike Street	19-1921	3-30-1921
Tenth Street	Opening	Between Amity Street and Pike Street	53-1922	10-4-1922
Tenth Street	Paving and improving	From Pike Street to Amity Street	36-1923	6-20-1923
Tenth Street	Opening	From Exeter Street to Bern Street	6-1924	2-27-1924
Tenth Street	Opening and grading	From Exeter Street to Richmond Street	51-1931	7-15-1931
Tenth Street	Opening	From Union Street to Exeter Street	65-1931	8-26-1931
Tenth Street	Sewers	From Union Street to Richmond Street	21-1932	4-13-1932
Tenth Street	Changing curbline	East side between Spruce Street and Muhlenberg Street	107-2010	12-27-2010
Third Street	Changing elevation	At the northwest corner of Third Street and Bern Street	53-1914	8-5-1914
Third Street	Sidewalks	Between Douglass Street and Centre Avenue	80-1914	11-18-1914
Third Street	Paving and improving	From the south building line of Spruce Street to Canal Street	38-1916	4-26-1916
Third Street	Paving and improving	From the north building line of Washington Street to the south building line of Buttonwood Street	38-1916	4-26-1916
Third Street	Repairing	As necessary	30-1917	5-23-1917
Third Street	Paving and improving	From Buttonwood Street to the siding of West Reading Railroad	26-1919	5-28-1919

Name	Activity	Location	Ord. No.	Date
Third Street	Paving and improving	From Court Street to Walnut Street	26-1919	5-28-1919
Third Street	Grading, opening and improving	Between Spring Street and Robeson Street	27-1921	4-20-1921
Third Street	Paving and improving	From Douglass Street to Windsor Street	30-1922	5-17-1922
Third Street	Vacating	From Rockland Street to north City line	112-1927	9-14-1927
Third Street	Opening and grading	From Oriental Road to a point 195 feet south of Oriental Road	33-1928	4-18-1928
Third Street	Opening and grading	From Bern Street to Richmond Street	66-1931	8-26-1931
Third Street	Sewers	From Exeter Street to Richmond Street	21-1932	4-13-1932
Third Street	Vacating	From Oriental Road to Rockland Street	55-1949	1949
Third Street	Vacating	Between Rockland Street and Berks Street	6-1955	2-9-1955
Third Street	Opening	From Berks Street to north City Line	9-1958	4-23-1958
Third Street	Grading	Between Berks Street and north City line	9-1958	4-23-1958
Third Street	Changing grades	In accordance with Plan 5835	3-1972	1-26-1972
Thirteenth Street	Opening	From Richmond Street to City line	49-1914	9-2-1914
Thirteenth Street	Changing lines and grades	Between the western building line of Thirteenth Street, the northern City line, the western building line of Palm Street and the northern building line of Rockland Street	62-1915	12-1-1915
Thirteenth Street	Opening	Between Douglass Street and Hampden Street	34-1919	8-29-1919
Thirteenth Street	Sewers	Between Union Street and Exeter Street	31-1923	5-29-1923
Thirteenth Street	Changing elevations	In the vicinity of Thirteenth Street and Bern Street	33-1924	4-23-1924

Name	Activity	Location	Ord. No.	Date
Thirteenth Street	Opening, grading and improving	Between Bern Street and Richmond Street	6-1925	1-28-1925
Thirteenth Street	Paving	From Union Street and Bern Street	178-1926	11-3-1926
Thirteenth Street	Grading and paving	From Pike Street to Union Street	68-1927	5-18-1927
Thirteenth Street	Grading	From Douglass Street to Hampden Boulevard	102-1927	8-10-1927
Thirteenth Street	Grading and paving	Amending Ord. No. 68-1927	125-1927	9-28-1927
Thirteenth Street	Stormwater sewers	From Windsor Street northward approximately 200 feet	50-1929	7-3-1929
Thirteenth Street	Paving and curbing	From the north building line of Douglass Street to the north building line of Windsor Street	80-1929	11-13-1929
Thirteenth Street	Paving and curbing	From north building line of Douglass Street to north building line of Windsor Street	101-1929	5-14-1930
Thirteenth Street	Grading and paving	Between Robeson Street and Marion Street	39-1930	6-18-1930
Thirteenth Street	Storm sewers	From Spruce Street to Muhlenburg Street	77-1930	10-8-1930
Thirteenth Street	Opening and grading	From Bern Street to Richmond Street	8-1931	3-4-1931
Thirteenth Street	Sewers	From Bern Street to Richmond Street	21-1932	4-13-1932
Thirteenth Street	Opening and grading	From Windsor Street to Robeson Street	62-1932	9-28-1932
Thirteenth Street	Revising grade	From Rockland Street to the north City line	14-1960	3-23-1960
Thirteenth Street	Revising grade	Between Walnut Street and Windsor Street	11-1962	3-28-1962
Thirteenth Street	Revising curbline	At the northwest corner with Rockland Street	7-1963	2-6-1963
Thorn Street	Vacating	From 50 feet south of south building line of Rockland Street to north City line	112-1927	9-14-1927

Name	Activity	Location	Ord. No.	Date
Thorn Street	Opening and grading	From Oriental Road to a point 175 feet south of Oriental Road	33-1928	4-18-1928
Thorn Street	Opening	From Exeter Street to Bern Street	65-1931	8-26-1931
Thorn Street	Opening and grading	From Bern Street to Richmond Street	66-1931	8-26-1931
Thorn Street	Opening and grading	From Evans Avenue to Exeter Street	66-1931	8-26-1931
Thorn Street	Vacating	From the north building line of Buttonwood Street to the north right-of-way line of the Lebanon Valley Branch of Reading Company	94-1931	11-18-1931
Thorn Street	Sewers	From Evans Avenue to Richmond Street	21-1932	4-13-1932
Thorn Street	Extending	—	55-1949	1949
Thorn Street	Changing curb grades	Eastern and western curblines between the south curbline of Exeter Street to points 375 feet southward	61-1956	12-26-1956
Thorn Street	Vacating and removing	From a point 406.25 feet south of the southern building line of Buttonwood Street to the northern property line of the Reading School District	10-1958	4-23-1958
Thorn Street	Revising grade	Between Evans Avenue and a point 115 feet northward	28-1958	8-13-1958
Thorn Street	Vacating	Between the south building line of Berks Street and the north building line of Rockland Street	20-1966	5-18-1966
Thorn Street	Vacating, abandoning and removing	Between Bern Street and Richmond Street	4-1986	1-15-1986

Name	Activity	Location	Ord. No.	Date
Thorn Street	Vacating and removing	From a point 304.54 feet south of the southern building line of Buttonwood Street along the western property line of Thorn Street	28-2002	6-24-2002
Trooper Road	Opening portion	From Hessian Road to Victory Place	40-1957	12-31-1957
Tulpehocken Street	Opening	Between West Oley Street and West Douglass Street	43-1923	7-3-1923
Tulpehocken Street	Sewers	From Douglass Street (West) to Oley Street (West)	21-1932	4-13-1932
Tulpehocken Street	Vacating	Between the south building line of Harold Street to the north building line of West Elm Street	29-1975	7-2-1975
Tulpehocken Street	Vacating, abandoning and removing	Between River Road and West Elm Street	41-1981	8-5-1981
Tulpehocken Street	Vacating, abandoning and removing	Between Buttonwood Street and Harold Street	41-1981	8-5-1981
Twelfth Street	Storm sewers	From Marion Street to 10-foot-wide alley south of Marion Street	26-1915	5-17-1915
Twelfth Street	Sewers	Between Union Street and Exeter Street	31-1923	5-29-1923
Twelfth Street	Grading and paving	Between Marion Street and Pike Street	51-1925	10-1-1925
Twelfth Street	Paving	Between Elm Street and Marion Street	53-1927	4-6-1927
Twelfth Street	Storm sewers	From Richmond Street to Bern Street	184-1927	12-7-1927
Twelfth Street	Opening and grading	From Bern Street to Richmond Street	51-1931	7-15-1931
Twelfth Street	Sewers	From Exeter Street to Richmond Street	21-1932	4-13-1932
Twelfth Street	Vacating	From Muhlenberg Street to a point 176 feet 3 inches north of the northern building line of Muhlenberg Street	59-1946	2-5-1947

Name	Activity	Location	Ord. No.	Date
Twelfth Street	Establishing a curbline radius	At the northwest corner of Twelfth Street and Elm Street	56-1974	12-4-1974
Twentieth Street	Placing on topographical survey	From Nineteenth Street east to City line	11-1923	3-14-1923

Name	Activity	Location	Ord. No.	Date
Union Street	Sewers	Between Eleventh Street and Thirteenth Street	31-1923	5-29-1923
Union Street	Vacating	Between Oak Lane and the eastern City line	95-1924	11-12-1924
Union Street	Vacating	From Fifth Street to Church Street	175-1927	12-31-1927
Union Street	Vacating	From Church Street to Sixth Street	50-1931	7-15-1931
Union Street	Opening and grading	From River Road to Pear Street	51-1931	7-15-1931
Union Street	Revising curb elevations and grades	From Front Street to River Road	68-1931	8-26-1931
Union Street	Sewers	From Pear Street to River Road	21-1932	4-13-1932
Union Street	Sewers	From Ninth Street to Moss Street	21-1932	4-13-1932
Union Street	Revising topographical survey	Extending 15-foot reserve building lines on each side from North Front Street to Centre Avenue	26-1950	8-9-1950
Union Street	Revising plan	Removing 15-foot reserve building line on north side of Union Street from River Road to Centre Avenue and eliminating 100-foot-radius from the northwest corner of Union Street and Centre Avenue and extending a 14-foot reserve line on Centre Avenue to intersect with north building line of Union Street	24-1965	4-14-1965

Name	Activity	Location	Ord. No.	Date
Union Street	Opening	Between the west building line of Centre Avenue and west building line Pear Street	34-1965	8-4-1965
Union Street	Removing 15-foot reserve building line	From River Road to Front Street	14-1971	3-24-1971
Union Street	Vacating, abandoning and removing	From Front Street west to the property of Conrail	2-1991	1-16-1991
Unnamed Alley	Grading and paving	—	85-1929	11-20-1929
Unnamed Alley	Grading and paving	—	56-1931	8-5-1931
Unnamed Alley	Grading and paving	—	62-1931	8-19-1931
Unnamed Alley	Grading and paving	—	68-1934	11-7-1934
Unnamed Alley	Grading and paving	—	57-1935	12-31-1935
Unnamed Alley	Grading and paving	—	9-1938	5-11-1938
Unnamed Alley	Grading and paving	—	24-1938	8-10-1938
Unnamed Alley	Grading and paving	Between Birch Street and North Thirteenth Street and between Oley Street and Douglas Street	37-1954	9-29-1954
Unnamed Alley	Grading and paving	Between Locust Street and North Twelfth Street	37-1954	9-29-1954
Unnamed Alley	Grading and paving	Between Miltmore Street and Gordon Street and to the rear of properties on the north side of West Green Street	37-1954	9-29-1954
Unnamed Alley	Grading and paving	Between Birch Street and a 10-foot alley running north and south from Oley Street to Douglas Street	37-1954	9-29-1954

Name	Activity	Location	Ord. No.	Date
Unnamed Alley	Grading and paving	Gutter running north and south from Spring Street to Robeson Street and between North Eleventh Street to Locust Street	48-1956	10-3-1956
Unnamed Alley	Grading and paving	Extending from Pike Street to Amity Street	31-1957	8-7-1957
Unnamed Alley	Acceptance for public use	A 15-foot-wide alley running from the westerly side of Meade Street to the southerly side of Carroll Street between Carroll Street and Grace Street	42-1957	12-4-1957
Unnamed Alley	Grading and paving	—	11-1959	6-17-1959
Unnamed Alley	Grading and paving	—	7-1960	2-10-1960
Unnamed Alley	Grading and paving	—	27-1962	9-19-1962
Unnamed Alley	Grading and paving	—	23-1963	9-4-1963
Unnamed Alley	Grading and paving	—	24-1963	8-14-1963
Unnamed Alley	Paving	From McClellan Street between Haley Place and Clifton Avenue	36-1964	11-10-1964
Unnamed Alley	Grading and paving	As located running parallel to Chapel Terrace and South Thirteenth Street	48-1968	9-11-1968
Unnamed Alley	Grading and paving	From the west building line of Mulberry Street westwardly 100 feet to the east building line of a 13-foot alley	46-1970	10-21-1970
Unnamed Alley	Grading and paving	A 10-foot-wide alley, from Minor Street west to Bell Alley	28-1972	6-14-1972

Name	Activity	Location	Ord. No.	Date
Unnamed Alley	Grading and paving	Between Linden Street and Fourteenth Street and extending from the north building line of Elm Street northwardly 412 feet and 1 1/4 inch to the south building line of a 10-foot alley	52-1973	10-10-1973
Unnamed Alley	Grading and paving	From Pine Street to the 500 block of Bell Alley and 500 block of Minor Street	20-1974	5-22-1974
Unnamed Alley	Grading and paving	Located 100 feet north of Willow Street and parallel between the 500 block of Strong Alley and 500 block of Minor Street	20-1974	5-22-1974
Unnamed Alley	Grading and paving	From 600 block of Pine Street to 600 block of Bingaman Street	20-1974	5-22-1974
Unnamed Alley	Grading and paving	Located east of Carpenter Street and parallel between the 300 block of Chestnut and Calls Court	37-1974	9-11-1974
Unnamed Alley	Grading and paving	Located east of South Fourth Street between the 400 block of Chestnut Street and termination	37-1974	9-11-1974
Unnamed Alley	Grading and paving	Located south of Willow Street between Bell Alley and the 600 block of Minor Street	37-1974	9-11-1974
Unnamed Alley	Grading and paving	Located north of Willow Street between 500 block of Bell Alley and 500 block of Minor Street	37-1974	9-11-1974
Unnamed Alley	Grading and paving	Between the 1600 block of Locust Street and the 1600 block of North Eleventh Street	44-1974	10-9-1974
Unnamed Alley	Grading and paving	From Spruce Street to Pearl Street	25-1975	6-18-1975

Name	Activity	Location	Ord. No.	Date
Unnamed Alley	Grading and paving	From Spruce Street to an unnamed alley a distance of approximately 371 feet between Pearl Street and South Sixth Street	25-1975	6-18-1975
Unnamed Alley	Grading and paving	From Fourth Street and Carpenter Street	34-1975	8-6-1975
Unnamed Alley	Reconstructing	Between the 300 block of McKnight Street and the 200 block of North Front Street	27-1999	10-25-1999
Unnamed Alley	Vacating	Beginning at a point on the southern right-of-way line of Beech Street a corner of lands of Opportunity House; thence along lands of Opportunity House and the eastern right-of-way line of said unnamed alley South 02 degrees 51 minutes 45 second East 175.07 feet to a point on the northern right-of-way line of Lafayette Street; thence along the northern right-of-way line of Lafayette Street south 76 degrees 44 minutes 18 second West 11.08 feet to a point on the western side of said unnamed alley; thence along the western right-of-way of said unnamed alley North 02 degrees 34 minutes 13 second West 177.12 feet to a point on the southern right-of-way of Beech Street; thence along the southern right-of-way line of Beech Street North 87 degrees 22 minutes 57 second East 10.00 feet to a point the place of beginning	68-2009	11-23-2009
Unnamed Alleys	Grading and paving	Certain private alleys	91-1927	7-20-1927

Name	Activity	Location	Ord. No.	Date
Unnamed Alleys	Grading and paving	Certain private alleys	108-1927	8-31-1927
Unnamed Alleys	Paving	Certain private alleys	139-1927	10-18-1927
Unnamed Alleys	Paving	—	94-1928	8-15-1928
Unnamed Alleys	Grading and paving	—	125-1928	11-14-1928
Unnamed Alleys	Grading and paving	—	38-1929	6-26-1929
Unnamed Alleys	Grading and paving	—	76-1929	10-16-1929
Unnamed Alleys	Paving and curbing	—	113-1929	2-5-1930
Unnamed Alleys	Grading and paving	—	42-1930	7-9-1930
Unnamed Alleys	Grading and paving	—	49-1930	7-30-1930
Unnamed Alleys	Grading and paving	—	79-1930	11-12-1930
Unnamed Alleys	Grading and paving	—	81-1930	11-19-1930
Unnamed Alleys	Grading and paving	—	84-1930	12-3-1930
Unnamed Alleys	Grading and paving	—	101-1931	12-9-1931
Unnamed Alleys	Sewers	—	21-1932	4-13-1932
Unnamed Alleys	Grading and paving	—	30-1933	9-13-1933
Unnamed Alleys	Grading and paving	—	57-1934	9-5-1934
Unnamed Alleys	Grading and paving	—	78-1934	12-5-1934
Unnamed Alleys	Grading and paving	—	23-1935	5-22-1935
Unnamed Alleys	Grading and paving	—	35-1935	8-7-1935
Unnamed Alleys	Grading and paving	—	39-1935	10-2-1935
Unnamed Alleys	Grading and paving	—	47-1935	11-20-1935

Name	Activity	Location	Ord. No.	Date
Unnamed Alleys	Grading and paving	—	50-1935	11-27-1935
Unnamed Alleys	Grading and paving	—	38-1939	8-16-1939
Unnamed Alleys	Grading and paving	—	41-1940	9-4-1940
Unnamed Alleys	Grading and paving	—	30-1942	9-2-1942
Unnamed Alleys	Grading and paving	—	31-1942	9-2-1942
Unnamed Alleys	Grading and paving	—	19-1945	7-18-1945
Unnamed Alleys	Grading and paving	—	31-1946	5-29-1946
Unnamed Alleys	Grading and paving	—	42-1949	8-17-1949
Unnamed Alleys	Grading and paving	—	29-1950	8-30-1950
Unnamed Alleys	Grading and paving	—	18-1953	8-5-1953
Unnamed Alleys	Grading and paving	Amending Ord. No. 18-1953	22-1953	8-19-1953
Unnamed Alleys	Grading and paving	—	31-1953	11-4-1953
Unnamed Alleys	Grading and paving	Between Fifteenth Street and Muhlenburg Street and Cotton Street	50-1955	11-9-1955
Unnamed Alleys	Grading and paving	—	41-1956	7-18-1956
Unnamed Alleys	Grading and paving	—	30-1957	7-31-1957
Unnamed Alleys	Grading and paving	—	48-1957	12-11-1957
Unnamed Alleys	Grading and paving	—	19-1961	7-26-1961
Unnamed Alleys	Grading and paving	—	16-1962	6-6-1962
Unnamed Alleys	Grading and paving	—	24-1962	8-29-1962

Name	Activity	Location	Ord. No.	Date
Unnamed Easement	Opening	East of Margaret Street from Wyomissing Boulevard to Old Wyomissing Road	7-1950	3-15-1950
Unnamed Street	Vacating	A portion extending along the east right-of-way line of the east Pennsylvania Railroad from Hiester's Lane to the north City line	38-1917	6-20-1917
Unnamed Street	Vacating	North of Union Street from Fifth Street eastward 40 feet	175-1927	12-31-1927
Unnamed Street	Revising elevations and grades	North of Union Street from Church Street to Fifth Street	179-1927	12-31-1927
Unnamed Street	Placing on topographical survey	Immediately west of and parallel to Gordon Street, from West Douglass Street to West Windsor Street	67-1932	11-30-1932
Unnamed Street	Opening and grading	Immediately west of and parallel to Gordon Street, from West Douglass Street to West Windsor Street	69-1932	11-30-1932
Unnamed Street	Dedicating as a state highway	Beginning at an intersection with an existing Township road connecting Berkley and Maiden Creek	6-1935	2-9-1935
Unnamed Street	Revising topographical survey	As located in the second section of the Eighteenth Ward	26-1948	7-21-1948
Unnamed Street	Vacating and removing	Extending along the east side of the Main Line of the Reading Company Railroad between Hiester's Lane and North Fifth Street	16-1957	4-10-1957
Unnamed Street	Vacating and removing	Extending along the west side of the Main Line of the Reading Company Railroad between Richmond Street and North Fifth Street	16-1957	4-10-1957
Unnamed Street	Vacating	As located on Plan No. 6041	11-1964	4-1-1964

Name	Activity	Location	Ord. No.	Date
Unnamed Street	Vacating and removing	Between Hiesters Lane and Berks Street, and the Reading Company Railroad (East Penn Branch) and Adams Street	3-1966	1-12-1966
Unnamed Street	Vacating	Approximately 329.82 feet south of Exeter Street between the east building line of Fifth Street and the west building line of Sixth Street	20-1968	4-17-1968
Unnamed Street	Revising topographical survey	As located in the Eighteenth Ward, bounded by Orrton Avenue, Reading Belt Railroad R/W, Belvedere Avenue and Morgantown Road	23-1968	5-2-1968
Unnamed Street	Opening	From the western building line of Kutztown Road to a cul-de-sac 1,145.32 feet southwestwardly	45-1978	10-25-1978
Unnamed Streets	Vacating	As shown on plan marked JT-26 on file in office of the City Engineer	56-1922	10-25-1922
Unnamed Streets	Placing on topographical survey	As shown on plan marked JT-26A on file in the office of the City Engineer	57-1922	10-25-1922
Unnamed Streets	Realigning	On and through property belonging to the Reading Housing Authority in the Eighteenth Ward	10-1957	2-20-1957
Unnamed Streets	Revising curb grades	In the Nineteenth Ward bounded on the east by Schuylkill Avenue, on the west by Tulpehocken Creek, on the south by Blair Avenue, and on the north by City line	9-1967	3-29-1967
Unnamed Streets	Realigning	An area bounded by Kenhorst Boulevard, Lacaster Avenue, Hancock Street and the City line	36-1971	10-20-1971

Name	Activity	Location	Ord. No.	Date
Unnamed Streets	Realigning	An area bounded by Pershing Boulevard, Kenhorst Boulevard, Lancaster Avenue and City line	37-1971	10-20-1971
Unnamed Streets	Realigning	An area bounded by Twelfth Street, Buttonwood Street, Thirteenth Street and Elm Street	42-1971	11-24-1971
Upland Avenue	Sidewalks	From Jackson Street to the western City line	173-1926	10-27-1926
Upland Avenue	Opening	Between Morgantown Road and Noble Street	33-1942	8-19-1942
Upland Avenue	Opening	Between Noble Street and Jackson Street	41-1941	8-20-1941
Upland Avenue	Changing width	Between Arlington Street and Crestmont Street	30-1950	10-4-1950
Upland Avenue	Revising grade	Between St. George Street and the west City line	22-1961	9-27-1961
Upland Avenue	Changing alignments and grades	Between Kenhorst Borough/City line and the west curb of Jackson Street	42-1970	9-23-1970

Name	Activity	Location	Ord. No.	Date
Victory Place	Opening portion	From Trooper Road to Hill Road	40-1957	12-31-1957
Vine Street	Vacating	From the northern building line of Washington Street northwardly to the northern building line of Dick Street	43-1969	8-27-1969
Vine Street	Vacating, abandoning and removing	Between Walnut Street and Dick Street	63-1984	6-20-1984

Name	Activity	Location	Ord. No.	Date
Walnut Street	Paving and improving	From Fifth Street to Sixth Street	22-1914	5-27-1914
Walnut Street	Paving and improving	From Seventh Street to Eighth Street and from Ninth Street to Eleventh Street	22-1914	5-27-1914
Walnut Street	Paving and improving	From Fifth Street to Fourth Street	44-1915	8-10-1915

Name	Activity	Location	Ord. No.	Date
Walnut Street	Sewers	From Third Street to Tenth Street	18-1922	3-29-1922
Walnut Street	Sewers	From Third Street to Rose Street	28-1922	5-3-1922
Walnut Street	Storm sewers	From Eighth Street to Walnut Street	140-1928	12-5-1928
Walnut Street	Improving pavement	At the intersection of Twelfth Street	11-1938	4-20-1938
Walnut Street	Storm sewers	Between Sixth Street and Seventh Street	6-1939	2-15-1939
Walnut Street	Repaving	Between Fifth Street and Seventh Street	8-1939	2-21-1939
Walnut Street	Extending	From Front Street to Schuylkill Avenue	7-1955	3-9-1955
Walnut Street	Relocating	Of Legislative Route 06208 between Schuylkill Avenue and North Second Street	49-1957	12-18-1957
Walnut Street	Improving	From Station 2+33 to Station 65+50 a distance of 6,520.89 feet	19-1958	7-9-1958
Walnut Street	Revising grade	Between Birch Street and Linden Street	11-1962	3-28-1962
Walnut Street	Widening, revising and opening	Between Schuylkill Avenue and North Front Street	64-1977	1-4-1978
Walnut Street	Changing alignment and width	North side between Rose Street and Miller Court	44-1995	4-19-1995
Warren Street	Opening and grading	From Schuylkill Avenue to Berkshire Drive	77-1924	9-3-1924
Warren Street	Opening and curbing	From Montgomery Street to Schuylkill Avenue	68-1930	9-24-1930
Warren Street	Opening and grading	From Schuylkill Avenue to Berkshire Drive	9-1933	5-31-1933
Warren Street	Changing width	Between Montgomery Street and Schuylkill Avenue from 60 feet to 80 feet between building lines	53-1949	11-23-1949
Warren Street	Changing width	From Montgomery Street to Schuylkill Avenue	37-1950	11-22-1950
Warren Street	Improving	—	55-1954	12-20-1954

Name	Activity	Location	Ord. No.	Date
Warren Street	Removing	From Greenview Avenue to Berkshire Drive	53-1955	12-21-1955
Warren Street	Placing on topographical survey	From Greenview Avenue to Lehigh Street	53-1955	12-21-1955
Warren Street	Grading	From Greenview Avenue to Lehigh Street	32-1956	5-29-1956
Warren Street	Opening	From Greenview Avenue to Lehigh Street	11-1957	2-20-1957
Warren Street	Revising grades	Along marginal roads north and south between Butler Street and a point 435 feet northeastwardly	26-1958	8-13-1958
Warren Street	Revising grade	Between Chester Street and Butler Street	26-1958	8-13-1958
Warren Street	Vacating and removing	From Schuylkill Avenue to a point 600 feet eastward	6-1959	4-30-1959
Warren Street	Improving	From Station 88+51 to Station 120+00, a distance of 3,149 feet	5-1969	2-5-1969
Washington Court	Installing special radii	At the northeast comer of Front Street and Washington Street	164-1926	9-29-1926
Washington Street	Paving and improving	From Second Street to Fourth Street	18-1915	4-14-1915
Washington Street	Paving and improving	—	18-1915	4-14-1915
Washington Street	Repairing	As necessary	30-1917	5-23-1917
Washington Street	Paving and improving	From Mulberry Street to Eleventh Street	30-1917	5-23-1917
Washington Street	Sewers	From Cedar Street to Moss Street	26-1921	4-13-1921
Washington Street	Changing width	Between Madison Avenue and the center line of the alley on the western boundary of the Metropolitan Edison Company's new building	88-1926	7-21-1926
Washington Street	Changing curbs and width	From Madison Avenue to Fifth Street	27-1929	5-15-1929
Washington Street	Storm sewers	From Moss Street to Tenth Street	77-1930	10-8-1930

Name	Activity	Location	Ord. No.	Date
Washington Street	Revising topographical survey	Changing sidewalk width and grade on south side between Reed Street and Seventh Street	4-1953	2-11-1953
Washington Street	Widening	To 17 feet south of the center line between the east building line of North Fourth Street and a point 107.73 feet east along the south curbline	18-1966	5-18-1966
Washington Street	Revising alignment	—	61-1966	11-30-1966
Washington Street	Revising curb alignment	As located in Plan 1182-A	24-1967	7-19-1967
Washington Street	Grading	As located in the City of Reading's Downtown East Project No. R184	24-1967	7-19-1967
Washington Street	Changing alignment	Between the west building line of Eighth Street and the east building line of Seventh Street	48-1975	11-5-1975
Washington Street	Widening, revising and opening	Between North Front Street and North Second Street and the intersection of West Washington Street, North Front Street and River Road	46-1977	12-21-1977
Washington Street Bridge	Paving and improving	Over the P. and R. Railway from Vine Street to Seventh Street	29-1915	5-17-1915
Washington Street Bridge	Paving and improving	East approach over the P. and R. Railway tracks	30-1917	5-23-1917
Water Street	Moving	Between Spruce Street and Bingaman Street	48-1954	11-24-1954
Water Street	Revising topographical survey	From Franklin Street to Chestnut Street	34-1955	8-24-1955
Water Street	Opening	From Chestnut Street northward to the former Schuylkill Canal	68-1955	2-1-1956
Water Street	Revising grade	Between Spruce Street and Bingaman Street	27-1958	8-13-1958

Name	Activity	Location	Ord. No.	Date
Water Street	Vacating and removing	From the west building line of South Front Street to the south building line of Spruce Street	43-1972	10-18-1972
Water Street	Vacating	Between the south building line of Spruce Street and the proposed Water Street	4-1974	1-23-1974
Water Street	Opening, establishing alignment and grading	From southern building line of Riverfront Drive to the northern building line of Bingaman Street	6-1974	1-30-1974
Wayne Street	Placing on topographical survey	From Mercer Street to the northern City line	86-1926	6-23-1926
Wayne Street	Revising grades and elevations	From Lackawana Street to the northern City line	87-1926	6-23-1926
Wayne Street	Opening	From Lehigh Street to Columbia Street	37-1955	9-21-1955
Wayne Street	Vacating and removing	Between Columbia Street and the right-of-way of the Reading Belt of the Reading Railroad Company	45-1955	10-5-1955
Wayne Street	Opening	Between Warren Street and Lehigh Street	51-1955	11-16-1955
Wayne Street	Opening	Between the northern building line of Warren Street and a point 339.54 feet north of the northern building line of Warren Street	19-1965	3-24-1965
Wayne Street	Opening	From the south building line of Lackawanna Street to a point 198.74 feet south along the west building line and a point 191.99 feet south along the east building line of Wayne Street	28-1966	6-1-1966
Wayne Street	Vacating	Between the north building line of Lackawanna Street and the south building line of Mercer Street	23-1973	5-30-1973

Name	Activity	Location	Ord. No.	Date
Wedgewood Terrace	Accepting	In the east bank area of the Schuylkill Urban Renewal Project	12-2000	7-10-2000
Weiser Street	Grading	Between Windsor Street and Spring Street	46-1914	7-14-1914
Weiser Street	Sewers	From Douglass Street to a point about 18 feet north of Jameson Place	39-1919	8-29-1919
Weiser Street	Changing elevations and grades	From 80 feet south of the southern building line of Robeson Street to the northern curbline of Spring Street	92-1926	7-27-1926
Weiser Street	Vacating	River Road and the northern City line	11-1927	2-9-1927
Weiser Street	Vacating	Amending Ord. No. 10-1927	36-1927	2-23-1927
Weiser Street	Sewers	From Robeson Street to Jameson Place	21-1932	4-13-1932
Weiser Street	Storm sewers	From West Perry Street to West Marion Street	55-1936	10-14-1936
Weiser Street	Storm sewers	From West Perry Street to West Marion Street	55-1936	10-14-1946
Weiser Street	Vacating	From the northern building line of Perry Street to the southern building line of Pike Street	20-1944	9-13-1944
Weiser Street	Vacating and opening	From a point 64 feet south of the southern line of Perry Street to the northern line of Perry Street	32-1945	12-19-1945
Weiser Street	Vacating	From the north building line of West Robeson Street to the north building line of Perry Street	20-1971	6-30-1971
West Amity Street	Vacating	Between the old and new locations of McKnight Street	7-1948	4-28-1948
West Buttonwood Street	Vacating	From River Road eastward to a point 205.78 feet west of western building line of Tulpehocken Street	79-1931	10-7-1931

Name	Activity	Location	Ord. No.	Date
West Buttonwood Street	Placing on topographical survey	From River Road eastward to a point 205.78 feet west of western building line of Tulpehocken Street	80-1931	10-7-1931
West Buttonwood Street	Opening	From River Road eastward to a point 205.78 feet west of western building line of Tulpehocken Street	81-1931	10-7-1931
West Buttonwood Street	Storm sewers	From a point 235 feet west of Tulpehocken Street to Rosenthal Street	83-1931	9-9-1931
West Buttonwood Street	Paving	From Schuylkill Avenue to approximately 235 feet west of Tulpehocken Street	95-1931	10-21-1931
West Buttonwood Street	Widening, revising and opening	Between Schuylkill Avenue and the Buttonwood Street Bridge	44-1977	10-19-1977
West Douglass Street	Grading	From the 20-foot-wide alley west of Gordon Street to Clinton Street	78-1914	9-30-1914
West Douglass Street	Storm sewers	From Front Street to Weiser Street	163-1926	9-22-1926
West Douglass Street	Opening	From River Road south of West Douglass Street to River Road north of West Douglass Street	4-1929	2-20-1929
West Elm Street	Vacating, abandoning and removing	Between Schuylkill Avenue and River Road	41-1981	8-5-1981
West Marion Street	Storm sewers	From Weiser Street to Center Avenue	55-1936	10-14-1936
West Marion Street	Storm sewers	From Weiser Street to Centre Avenue	55-1936	10-14-1936
West McKnight Street	Vacating	Between River Road and the northern City line	10-1927	2-16-1927
West Perry Street	Storm sewers	From the river to Centre Avenue	56-1936	10-14-1936
West Perry Street	Storm sewers	From the River to Center Avenue	56-1936	10-14-1936
West Perry Street	Vacating	From the east building line of Weiser Street to the west building line of McKnight Street	20-1971	6-30-1971

Name	Activity	Location	Ord. No.	Date
West Perry Street	Vacating, abandoning and removing	From North Front Street to McKnight Street	38-1982	3-2-1983
West Pike Street	Grading	From the west curbline of Front Street to the west building line of Weiser Street	152-1926	9-15-1926
West Road	Renaming	Known as Fulton Street between River Road and Leland Street	22-1942	7-8-1942
West Road	Vacating	From the Schuylkill River to River Road	22-1942	7-8-1942
West Robeson Street	Sewers	Between Weiser Street and McKnight Street	45-1934	8-15-1934
West Robeson Street	Storm sewers	From the river to Front Street	54-1936	10-14-1936
West Robeson Street	Storm sewers	From the river to Front Street	54-1936	10-14-1936
West Robeson Street	Vacating	From the east building line of Lincoln Street to a point 117 feet west of the west building line of Weiser Street	53-1973	10-24-1973
Westside Road	Opening, grading and improving	From Wyomissing Creek (present City boundary line) to Wyomissing Road	35-1927	3-2-1927
Westside Road	Paving	From Wyomissing Creek (present boundary line) to Wyomissing Road	152-1927	11-23-1927
Westside Road	Renaming	Known as Museum Road between the West Reading Borough/Reading City line and Old Wyomissing Road	62-1941	10-22-1941
West Union Street	Revising topographical survey	Establishing 15-foot reserve building lines from Front Street to River Road	7-1948	4-28-1948
West Walnut Street	Opening	From Front Street to Schuylkill Avenue	9-1955	4-13-1955
West Washington Street	Vacating	Between North Front Street and River Road	47-1977	12-21-1977
West Windsor Street	Storm sewers	From Miltimore Street to Schuylkill Avenue	41-1917	6-27-1917

Name	Activity	Location	Ord. No.	Date
West Windsor Street	Sewers	Between McKnight Street and Weiser Street	11-1920	3-24-1920
West Windsor Street	Improving	As shown on the plan marked BR-14	8-1923	2-28-1923
West Windsor Street	Improving	From Schuylkill Avenue to Miltimore, Schuylkill Avenue east and west sides of southern approach of River Bridge	62-1929	8-14-1929
West Windsor Street	Changing curb elevations and grades	From Gordon Street to a point 171 feet west thereof	68-1932	11-30-1932
West Windsor Street	Opening and grading	From Gordon Street 171 feet west thereof	69-1932	11-30-1932
Willow Street	Sewers	From Seventh Street to a 10-foot alley west of Seventh Street	46-1922	9-13-1922
Windsor Street	Storm sewers	From Front Street to Pear Street	60a-1913	3-18-1914
Windsor Street	Paving and improving	From Tenth Street to Eleventh Street	26-1919	5-28-1919
Windsor Street	Paving	From Weiser Street to Sixth Street	19-1921	3-30-1921
Windsor Street	Sewers	From Second Street to Centre Avenue	26-1921	4-13-1921
Windsor Street	Sewers	From Third Street to Centre Avenue	31-1921	5-11-1921
Windsor Street	Stormwater sewers	From Twelfth Street to Thirteenth Street	50-1929	7-3-1929
Windsor Street	Stormwater sewers	From Ninth Street to Mulberry Street	50-1929	7-3-1929
Windsor Street	Vacating	From Thirteenth Street to Palm Street	54-1929	8-21-1929
Windsor Street (West)	Sewers	From 150 feet east of Weiser Street to Gordon Street	21-1932	4-13-1932
Windsor Street	Changing curb elevations and grades	On the southern side from North Second Street eastward 41 feet and on the eastern side North Second Street from Windsor Street southward 50 feet	34-1941	7-16-1941

Name	Activity	Location	Ord. No.	Date
Windsor Street	Naming	Formerly known as Richard Street between Nicolls Street and North Eighth Street	2-1959	3-25-1959
Wood Street	Sewers	From Chestnut Street to a point about 410 feet north	64-1922	11-22-1922
Wood Street	Opening	Between Laurel Street and property of the Pennsylvania Railroad Company	29-1946	5-1-1946
Wood Street	Revising topographical width and grade	Between Cherry Street and Franklin Street	32-1970	7-15-1970
Wood Street	Revising and accepting	Dedication from the redevelopment authority located in the model cities I — urban renewal project and the riverfront urban renewal project	39-2002	8-12-2002
Woodvale Avenue	Naming	Formerly known as East Nineteenth Street and Cotton Street	62-1914	9-2-1914
Woodvale Avenue	Opening, grading and improving	Between Nineteenth Street and east City line	65-1923	11-21-1923
Woodvale Avenue	Paving and curbing	From Nineteenth Street to eastern City line	79-1929	11-13-1929
Woodvale Avenue	Sewers	From Nineteenth Street to Hiene Street	92-1931	10-7-1931
Woodvale Street	Opening and grading	From Nineteenth Street to Hiene Street	41-1929	7-17-1929
Woodvale Street	Paving and curbing	From east building line of Nineteenth Street to west building line of Hiene Street	101-1929	5-14-1930
Wunder Street	Storm sewers	From Spruce Street to Muhlenberg Street, approximately 315 feet	49-1933	11-29-1933
Wyomissing Boulevard	Vacating	From Reading Belt Railroad to Pershing Boulevard	37-1928	4-25-1928
Wyomissing Boulevard	Opening and grading	From Burnside Avenue to Reading Belt Railroad	38-1928	4-25-1928

Name	Activity	Location	Ord. No.	Date
Wyomissing Boulevard	Stormwater sewers	From Brookline Street to Gregg Avenue	56-1929	8-7-1929
Wyomissing Boulevard	Placing on topographical survey	From Old Wyomissing Road to Kenhorst Boulevard	74-1929	11-13-1929
Wyomissing Boulevard	Opening and grading	From Old Wyomissing Road to Kenhorst Boulevard	95-1929	1-8-1930
Wyomissing Boulevard	Revising curb elevations and grades	Between Lancaster Avenue and a point west of Brookline Street	21-1937	11-10-1937
Wyomissing Boulevard	Placing on topographical survey	Between Brookline Street and Parker Avenue	21-1937	11-10-1937
Wyomissing Boulevard	Vacating	Between Brookline Street and Parker Avenue	21-1937	11-10-1937
Wyomissing Boulevard	Revising topographical survey	Between the eastern building line of Parker Avenue and the northwestern building line of Gregg Avenue	15-1940	3-13-1940
Wyomissing Boulevard	Establishing grade	From south side at Borough of Wyomissing and City of Reading line to Powder House Road	48-1940	10-30-1940
Wyomissing Boulevard	Placing on topographical survey	From Kenhorst Boulevard to Margaret Street	43-1941	9-3-1941
Wyomissing Boulevard	Opening	Between Kenhorst Boulevard and Margaret Street	5-1946	4-3-1946
Wyomissing Boulevard	Placing on topographical survey	Between Margaret Street to Brookline Plaza and a 5-foot easement from Wyomissing Boulevard to Old Wyomissing Road for storm and sanitary sewers	52-1949	11-23-1949
Wyomissing Boulevard	Opening	Between Margaret Street and property of Textile Machine Works	58-1949	12-14-1949

Name	Activity	Location	Ord. No.	Date
Wyomissing Boulevard	Opening	Eastward from the property line of Brookline Manor Apartments, Inc. to the property line of the Reading Housing Authority	36-1954	9-29-1954
Wyomissing Boulevard	Vacating	From Hancock Boulevard to Liggett Avenue	41-1957	12-31-1957
Wyomissing Boulevard	Placing on topographical survey	From Hancock Boulevard to Meade Street	41-1957	12-31-1957
Wyomissing Boulevard	Vacating	From the Belt Line Railroad of the Reading Company to Meade Street	41-1957	12-31-1957
Wyomissing Boulevard	Opening	From the property line located approximately 215 feet northwest of the center line of Patton Avenue to a point 125 feet northeast of the building line at the northeast corner of Wyomissing Boulevard and Hancock Boulevard	21-1961	8-30-1961
Wyomissing Road	Opening and grading	From Westside Road to Barberry Road	144-1927	11-9-1927
Wyomissing Road	Paving	From Westside Road to Barberry Road	153-1927	11-23-1927
Name	**Activity**	**Location**	**Ord. No.**	**Date**
York Street	Opening, grading and improving	Between Avenue D and East Road	23-1923	4-11-1923

Chapter A618

WATER

§ A618-101. Water.

[Below is a listing of ordinances adopted by the City of Reading regarding water. Full copies of said ordinances can be found in the City Clerk's Office.]
§ A618-101. Water.

Ord. No.	Date	Description
23-1914	5-27-1914	Permitting Gulf Refining Company to lay and construct water pipe to connect to a water main to provide water to the premises
35-1914	6-16-1914	Providing for the payment of the cost of laying water pipes in the streets and highways of the City by the owners of said ground in front and fixing the rate per foot to be paid by such owners
30-1915	5-17-1915	Extending the pipes and improvements of the water works of the City beyond the City limits for supplying water by the City to persons, corporations, institutions and municipalities within the County of Berks
32-1915	6-9-1915	Stipulating form of application and agreement for and conditions, terms and rates upon which the Council of the City of Reading may grant the use of water from supply mains outside the limits of the City
39-1915	7-21-1915	Executing an agreement between the City and H.O. Keller in reference to a water supply for premises 126-128 North Fifth Street
74-1916	12-20-1916	Permitting the Schuylkill Navigation Company to lay and construct a water pipe
81-1916	12-27-1916	Accepting the offer of the Glenside Water Company to grant the City an option to purchase its plant and appropriating the money for the payment of such option
44-1917	7-25-1917	Permitting Reading Chain Block Company, Inc., to lay and construct at its own expense and under certain conditions a 1-inch water pipe from the City water main into their property
56-1917	11-7-1917	Purchasing the water works plant and system with all the equipment of the Glenside Water Supply Company in Bern Township

Ord. No.	Date	Description
5-1918	1-16-1918	Permitting Reading Steel Casting Company to lay and construct at its own expense and under certain conditions a 6-inch water pipe to connect with the 6-inch water main near Tulpehocken and Green Streets for the purpose of supply with a water a fire sprinkler system
26-1918	8-14-1918	Permitting the D.S. and W. Hosiery Company, Inc. to lay and construct at its own expense and under certain conditions a 2-inch water pipe for the purpose of providing general water service to the premises
27-1918	8-30-1918	Permitting the D.S. and W. Hosiery Company, Inc. to lay and construct at its own expense and under certain conditions a 2-inch water pipe for the purpose of providing general water service to the premises
20-1919	4-16-1919	Permitting the Reading Iron Company to lay water pipes underground
52-1920	9-8-1920	Permitting Dives, Pomeroy and Stewart to lay and construct at their own expense and under certain conditions a 12-inch water pipe for the purpose of supplying with water a fire sprinkler system for their property
70-1920	12-29-1920	Permitting Scott Kitzmiller Co., Inc., to lay and construct a 4-inch water pipe for the purpose of supplying with water a fire sprinkler system on the property
2-1921	1-19-1921	Permitting Scott Kitzmiller Co., Inc., to lay and construct at its own expense and under certain conditions a 4-inch water pipe for the purpose of supplying said property with water from the intermediate service
47-1921	8-31-1921	Permitting Richard Meinig Co., Inc., to lay and construct at its own expense and under certain conditions a 6-inch water pipe for the purpose of supplying said property with water for fire purposes
62-1921	12-31-1921	Amending Ord. No. 32-1915
17-1922	3-22-1922	Permitting Rajah Temple, A.A.O.N.M.S., to lay and construct at their own expense a 12-inch water pipe for the purpose of supplying water to a fire sprinkler system on the property
43-1922	9-6-1922	Permitting the Reading Hardware Company to lay and construct at its own expense and under certain conditions a 10-inch water pipe for the purpose of supplying water to a fire sprinkler system

Ord. No.	Date	Description
60-1922	11-5-1922	Permitting Frank C. Kolb to lay and construct at his own expense and under certain conditions a 6-inch water pipe from the end of the private fire service pipe of Chas. E. Leippe, for the purpose of supplying water to a fire sprinkler system on certain property, providing consent of Chas. E. Leippe is first secured
35-1923	6-13-1923	Permitting Bright and Nolan to extend the water main of the City along Bernville Road in the Township of Bern
40-1923	6-27-1923	Permitting Wm. H. Lunden, Inc., to lay at their own expense a 6-inch water main for the purpose of supplying water to a fire sprinkler system
26-1924	3-26-1924	Permitting Lengle-Fencil Company to lay and construct a 6-inch water pipe for the purpose of supplying with water a fire sprinkler system
35-1924	4-23-1924	Permitting Reading Hardware Company to lay and construct a 3-inch water pipe from its private fire main to its new building for purposes of supplying the new building with water from the intermediate service district
46-1924	6-4-1924	Desiring to extend the City's water plant into and operate the same in the Eighteenth Ward of the City and to acquire the plant now owned and operated by the Angelica Water and Ice Company
61-1924	7-16-1924	Permitting Bright and Nolan to connect water mains in Greenfields with the City water mains
81-1924	9-17-1924	Permitting E. Richard Meining Company, Inc., to lay and construct an 8-inch water pipe for the purpose of supplying water a fire sprinkler system
97-1924	11-19-1924	Permitting Tobias Knobauch to connect water mains by him in Melrose with the Antietem water supply main of the City upon the condition Tobias Knobauch conveys to the City free of all encumbrances a certain tract of land in Lower Alsace Township
25-1925	4-29-1925	Permitting Nolan, Stauffer and Heizman to connect water mains in Oakgrove to the City's water mains
53-1925	10-7-1925	Permitting Reading Rag and Metal Co., Inc. to lay and construct a six inch water pipe into its warehouse to provide water for a fire sprinkler system
89-1927	7-27-1927	Permitting the Reading Company to lay, construct and maintain at its own expense a 12-inch water pipe with appurtenances for the conveyance of water from its spring source
28-1928B	3-21-1928	Permitting Reading Lodge to connect water mains laid or to be laid in Cathedral Heights with the City water mains

Ord. No.	Date	Description
13-1929	2-27-1929	Permitting the Bee-Hive Laundry Company, Inc., to lay and construct a 6-inch high water pipe for the purpose of supplying additional supply of water from the intermediate service district
29-1929	5-8-1929	Permitting D.S. & W. Hosiery Company to construct and maintain cement concrete pipe conduit for conveying water
91-1929	11-20-1929	Executing an agreement between the City and the Reading Company for the placing and maintaining of a pipe line for water supply purposes above and across Seventh Street tacks
93-1929	11-27-1929	Permitting the Reading Times Company to lay at their own expense a 6-inch water main for the purpose of supplying a fire sprinkler system with water
16-1930	2-26-1930	Executing an agreement between the City and the Reading Company to place and maintain a pipeline for water supply purposes below and across Lebanon Valley Branch Tracks and property of the Reading Company
59-1930	7-30-1930	Permitting Oakbrook Hosiery Mills, Inc., to lay and construct private water pipes 4 inches in diameter and 8 inches in diameter for purposes of providing water to fire sprinklers and industrial service
52-1931	6-17-1931	Granting permission to Joseph Block and Son to connect water mains laid in Park-Edge
63-1931	7-22-1931	Granting permission to Mt. Penn Suburban Water Company to supply water to the property of Alexander Griesemar
71-1931	8-5-1931	Granting permission to Joseph Block and Son to connect water mains hid in Park-Edge addition
86-1931	9-16-1931	Executing an agreement between the Schuylkill Navigation Company and the City to provide the placing and maintenance of cast iron water main across the canal
105-1931	12-23-1931	Permitting Oakbrook Hosiery Mills, Inc. to install and construct a reinforced concrete conduit for the accommodation of power, steam and water pipes
30-1932	4-20-1932	Assigning the property known as Driscoll Farm to the use of the Bureau of Water
44-1936	10-21-1936	Imposing use restrictions on private water service
57-1937	9-29-1937	Authorizing choice rates and charges for consumers of Angelica Water System outside the City and filing change of tariff with the Pennsylvania Public Utility Commission
66-1941	11-19-1941	Executing an agreement between the City and Birdsboro Steel Foundry and Machine Company the privilege to construct and maintain a 6-inch water main and 3/4-inch galvanized iron airline under the sidewalk

Ord. No.	Date	Description
55-1942	12-30-1942	Authorizing the sale by the City of the Lynoak water distribution system of the City to the Borough of Shillington
26-1944	11-8-1944	Granting Consumers Gas Company the privilege of constructing and maintaining a water line and an insulated steam line under Canal Street
29-1945	10-24-1945	Granting Thomas Demaio permission to connect water lines to be laid in Greenfields Manor with the City water mains
28-1947	8-27-1947	Granting Harry B. Davis permission to connect water lines to be laid in College Heights with the City water mains
37-1947	12-10-1947	Granting Anne Miliken Cullum permission to connect water lines to be laid in Riveredge Acres with the City water mains
9-1949	3-30-1949	Executing an agreement between the City and Harry B. Davis to permit Harry B. Davis to construct a 12-inch water line in Hampden Boulevard
16-1950	5-24-1950	Executing an agreement between the City and Parish Pressed Steel Company to permit Parish Pressed Steel Company to construct and maintain a 4-inch cast iron underground water pipe line for the purpose of conveying water from a well
36-1950	10-4-1950	Granting M.J. Eckel permission to connect water lines to land in Wedgewood Heights with the City's water mains
25-1952	5-14-1952	Providing for the fluoridation of the water supply of the City
23-1955	6-22-1955	Appropriating and condemning a right-of-way through the real estate of Carmello Brunetto and Robert S. Kline for the purpose of constructing, establishing and maintaining a pipe line
24-1955	6-22-1955	Appropriating and condemning a right-of-way through the real estate of Jacob Ebling for the purpose of constructing, establishing and maintaining a pipe line
25-1955	6-22-1955	Appropriating and condemning a right-of-way through the real estate of William Lohman and Company for the purpose of constructing, establishing and maintaining a pipe line
38-1955	8-31-1955	Granting H.K. Hollenback permission to connect water lines to be laid in Riverbridge Acres with water mains of the City
50-1955	11-21-1955	Granting Berkshire Greens, Inc., permission to connect a water line to be laid in Holiday Colony Road with the City water mains
33-1957	8-21-1957	Granting Wingert Construction Company, Inc., permission to connect water lines to be laid in their development in Ontelaunee and Muhlenberg Townships with the City water main
7-1959	5-13-1959	Granting permission to Ward W. Hayes to connect water mains laid or to be laid in Greenfields with City water mains

Ord. No.	Date	Description
31-1959	12-2-1959	Prohibiting the furnishing of water server without charge to any person, firm, partnership, corporation or institution within or without the City, except premises owned, leased, occupied or used by the City for carrying out its corporate purposes
20-1960	5-11-1960	Granting permission to Roy E. Hayes to connect water main laid or to be laid in Greenfields with City water mains
33A-1960	11-23-1960	Amending Ord. No. 44-1936
21-1963	7-10-1963	Granting permission to Richard C. and Angeline K. Doty to connect water mains or to be laid in the City and partly in Greenfields, Bern Township with the City water mains
53-1975	12-31-1975	Establishing rates, charges, rules and regulations of water service
24-1976	8-11-1976	Amending Ord. No. 53-1975
9-1979	4-25-1979	Amending Ord. No. 53-1975
5-1980	1-30-1980	Amending Ord. No. 53-1975
25-1980	5-28-1980	Amending Ord. No. 53-1975
56-1980	11-26-1980	Amending Ord. No. 53-1975
60-1981	12-23-1981	Amending Ord. No. 44-1936
2-1982	1-13-1982	Amending Ord. No. 53-1975
12-1982	4-1-1982	Amending Ord. No. 53-1975
21-1992	3-18-1992	Amending Ord. No. 53-1975
38-1996	11-25-1996	Consenting to the incurrence of indebtedness by the Reading Area Water Authority through a loan through Pennvest for various water system improvements in an amount not exceeding $6,000,000
20-1997	9-22-1997	Terminating the lease agreement between the City and the Reading Area Water Authority
105-2006	12-26-2006	Directing the Administration and the Executive Director of the Reading Area Water Authority to take the necessary action(s) to provide a water utility systems analysis
2-2009	1-26-2009	Authorizing the transfer of $248,500 from the self-insurance fund water/sewer main break account into the incurred liability claims account

Ord. No.	Date	Description
46-2014	5-27-2014	Notifying the Reading Area Water Authority of the termination of the lease and operating agreement; dissolving the Authority, requiring the Authority to convey the water system and all property of the Authority to the City of Reading; establishing a deadline by which the Reading Area Water Authority shall convey by appropriate instrument the water system and all property of said Authority to the City of Reading; imposing necessary penalties
66-2014	9-8-2014	Repealing Ord. No. 46-2014, which dissolves the Reading Area Water Authority

Chapter A619

ZONING; PRIOR ORDINANCES

§ A619-101. Prior Zoning Ordinances and amendments.

[Below is a chronological listing of ordinances adopted by the City of Reading regarding prior amendments to the Zoning Chapter and Zoning Map. Full copies of said ordinances can be found in the City Clerk's Office. The current Zoning Ordinance, as amended, is included in Chapter 600 of the Code of the City of Reading.]

§ A619-101. Prior Zoning Ordinances and amendments.

Ord. No./

Res. No.	Date	Description
7-1957	2-6-1957	1957 Zoning Ordinance
38A-1960	2-10-1960	Amending the Zoning Map
38B-1960	3-9-1960	Amending the Zoning Map
15-1961	8-2-1961	Amending 1957 Zoning Ordinance
26-1965	6-23-1965	Amending the Zoning Map
11-1966	4-13-1966	Amending the Zoning Map
12-1966	4-20-1966	Amending the Zoning Map
43-1966	11-23-1966	Amending the Zoning Map
45-1966	11-23-1966	Amending the Zoning Map
59-1966	11-23-1966	Amending 1957 Zoning Ordinance
36-1968	7-31-1968	Amending 1957 Zoning Ordinance
6-1969	2-26-1969	Amending the Zoning Map
21-1969	7-2-1969	Amending the Zoning Map
36-1969	8-27-1969	Amending 1957 Zoning Ordinance
59-1969	4-1-1970	Amending 1957 Zoning Ordinance
60-1969	11-19-1969	Amending 1957 Zoning Ordinance
19-1970	5-27-1970	Amending 1957 Zoning Ordinance
59-1970	4-1-1970	Amending the Zoning Map
49-1971	11-10-1971	1971 Zoning Ordinance
37-1972	10-11-1972	Amending 1971 Zoning Ordinance
54-1973	11-21-1973	Amending the Zoning Map
57-1973	11-28-1973	Amending 1971 Zoning Ordinance
2-1974	2-13-1974	Amending 1971 Zoning Ordinance
8-1974	2-27-1974	Amending 1971 Zoning Ordinance

Ord. No./

Res. No.	**Date**	**Description**
14-1974	5-8-1974	Amending 1971 Zoning Ordinance
18-1974	6-5-1974	Amending 1971 Zoning Ordinance
21-1974	6-26-1974	Amending 1971 Zoning Ordinance
30-1974	8-21-1974	Amending the Zoning Map
18-1975	5-28-1975	Amending 1971 Zoning Ordinance
6-1976	3-3-1976	Amending 1971 Zoning Ordinance
20-1976	6-16-1976	Amending the Zoning Map
9-1977	4-13-1977	Amending 1971 Zoning Ordinance
20-1977	7-20-1977	Amending the Zoning Map
21-1977	7-20-1977	Amending 1971 Zoning Ordinance
33-1977	9-21-1977	Amending 1971 Zoning Ordinance
36-1977	9-28-1977	Amending the Zoning Map
3-1978	3-15-1978	Amending 1971 Zoning Ordinance
5-1978	2-22-1978	Amending the Zoning Map
10-1978	3-22-1978	Amending 1971 Zoning Ordinance
23-1978	6-21-1978	Amending 1971 Zoning Ordinance
36-1978	9-20-1978	Amending 1971 Zoning Ordinance
46-1978	12-6-1978	Amending the Zoning Map
54-1978	12-13-1978	Amending the Zoning Map
3-1980	5-14-1980	Amending the Zoning Map
50-1980	11-26-1980	Amending 1971 Zoning Ordinance
5-1981	3-25-1981	Amending 1971 Zoning Ordinance
6-1981	3-25-1981	Amending the Zoning Map
8-1981	4-15-1981	Amending the Zoning Map
18-1981	5-27-1981	Amending 1971 Zoning Ordinance
21-1981	5-27-1981	Amending 1971 Zoning Ordinance
36-1981	7-29-1981	Amending 1971 Zoning Ordinance
43-1981	9-9-1981	Amending 1971 Zoning Ordinance
50-1981	11-4-1981	Amending 1971 Zoning Ordinance
53-1981	1-6-1981	Amending 1971 Zoning Ordinance
8-1982	4-7-1982	Amending 1971 Zoning Ordinance
41-1982	10-20-1982	Amending the Zoning Map
4-1983	2-9-1983	Amending 1971 Zoning Ordinance
5-1983	2-9-1983	Amending the Zoning Map

Ord. No./

Res. No.	**Date**	**Description**
9-1983	3-2-1983	Amending the Zoning Map
38-1983	9-28-1983	Amending the Zoning Map
20-1984	3-20-1984	Amending 1971 Zoning Ordinance
27-1984	3-21-1984	Amending 1971 Zoning Ordinance
40-1985	5-8-1985	Amending 1971 Zoning Ordinance
41-1985	5-8-1985	Amending the Zoning Map
68-1985	8-28-1985	Amending 1971 Zoning Ordinance
73-1986	9-17-1986	Amending 1971 Zoning Ordinance
19-2001	6-25-2001	2001 Zoning Ordinance
7-2003	2-24-2003	Amending 2001 Zoning Ordinance
57-2005	9-26-2005	Amending the Zoning Map
69-2005	12-12-2005	Amending 2001 Zoning Ordinance
96B-2005	1-9-2006	Amending 2001 Zoning Ordinance and Zoning Map
51-2006	8-16-2006	Amending the Zoning Map
2-2008	1-28-2008	Amending 2001 Zoning Ordinance
47-2008	7-14-2008	Amending the Zoning Map
48-2008	7-14-2008	Amending the Zoning Map
54-2008	8-25-2008	Amending 2001 Zoning Ordinance
66-2008	10-13-2008	Amending 2001 Zoning Ordinance
80-2008	11-24-2008	Amending 2001 Zoning Ordinance
9-2009	2-23-2009	Amending 2001 Zoning Ordinance and Zoning Map
33-2009	6-22-2009	Amending 2001 Zoning Ordinance and Zoning Map
43-2010	8-24-2010	Amending the Zoning Map.

Chapter DT

DERIVATION TABLE

§ DT-1. Derivation Table of 2001 Code of Ordinances to 2013 Code

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§ DT-1. Derivation Table of 2001 Code of Ordinances to 2013 Code

NCM = Not Code material (legislation is not general or permanent in nature).

REP = Repealed at time of adoption of Code; see Ch. 1, General Provisions, Part 1.

NI = Not included in Code but saved from repeal.

NLP = New legislation is pending.

Chapter/Title From 2001 Code of Ordinances	Location in 2013 Code
Fee Schedule	Ch. 212
Charter	Home Rule Charter
Ch. 1, Administration and Government	
Part 1, Administrative Code	Ch. 5
Part 2, Personnel Code	Ch. 70
Part 3, Compensation of Elected Officials	Ch. 91, Part 1
Part 4, Authorities	
A, Municipal Airport Authority	Ch. 14, Part 2
B, Reading Parking Authority	Ch. 14, Part 1
C, Reading Area Water Authority	Ch. 14, Part 3
D, Reading Downtown Improvement District Authority	Ch. 14, Part 5
E, Berks County Convention Center Authority	Ch. 14, Part 4
Part 5, Boards, Departments, Commissions, Committees and Councils	
A, Park and Recreation Citizen's Advisory Committee	Repealed by Ord. No. 45-2012
B, Board of Health	Ch. 23, Part 8
C, Human Relations Commission; Discrimination	Ch. 23, Part 5
D, Blighted Property Review Committee	Ch. 23, Part 9
E, Citizens Advisory Board (CAB)	Ch. 23, Part 3
F, Penn Square Commission	Ch. 23, Part 2
G, Planning Commission	Ch. 23, Part 1

Chapter/Title From 2001 Code of Ordinances	Location in 2013 Code
H, Planning Division of the Department of Community Development	Ch. 5, Part 8
I, GPU Stadium Commission	Ch. 23, Part 4
J, Building Inspector Civil Service Board	REP
K, Recreation Committee	REP
L, Charter Board	Ch. 23, Part 6
M, Establishing a Minority Business Procurement Advisory Board	Ch. 23, Part 7
N, Environmental Advisory Board	Ch. 23, Part 11
O, Diversity Board	Ch. 23, Part 10
P, Reading Main Street Program Board	Ch. 23, Part 12
Part 6, Pensions	
A, Police Pension Fund	Ch. 62, Part 4
B, Firemen's Pension Fund	Ch. 62, Part 3
C, Officers and Employees Retirement System	Ch. 62, Part 2
D, New Officers and Employees Pension Fund	Ch. 62, Part 1
Part 7, Fire Insurance Proceeds	
A, Fire Insurance Proceeds Escrow Procedures	Ch. 231, Part 1
B, Control of Fire Insurance Proceeds	Ch. 231, Part 2
Part 8, Department of Police	Ch. 77, Part 1
Part 9, Department of Fire and Rescue Services	Ch. 36
Part 10, Policy for Access to Public Records	Ch. 442
Part 11, Initiative and Referendum	Ch. 51
Ch. 2, Animals	
Part 1, Animal Control	Ch. 141, Part 2
Part 2, Pigeons	Ch. 141, Part 1
Ch. 3, Bicycles	
Part 1, Bicycle Regulations	REP
Ch. 4, Buildings	
Part 1, Historical Districts	Ch. 295
Part 2, House Numbering	Ch. 302
Ch. 5, Code Enforcement	
Part 1, Building Code	
A, Implementation	Ch. 180, Part 1
B, International Building Code	Ch. 180, Part 8
C, International Existing Building Code	Ch. 180, Part 5

Chapter/Title From 2001 Code of Ordinances	Location in 2013 Code
Part 2, International Plumbing Code	Ch. 180, Part 9
Part 3, International Fire Code	Superseded by Ord. No. 60-2012; see now Ch. 180, Part 14
Part 4, International Electrical Code	Ch. 180, Part 7
Part 5, International Mechanical Code	Ch. 180, Part 6
Part 6, International Property Maintenance Code	Superseded by Ord. No. 20-2012; see now Ch. 180, Part 13
Part 7 (Reserved)	Omitted
Part 8, International Residential Code	Ch. 180, Part 4
Part 9, Citizens Inspection Program	REP
Part 10, Wildland-Urban Interface Code	Ch. 180, Part 2
Part 11, Performance Code for Buildings and Facilities	Ch. 180, Part 3
Part 12, International Fuel Gas Code	Ch. 180, Part 10
Part 13, International Energy Conservation Code	Ch. 180, Part 11
Part 14, Property Maintenance Rules and Regulations	Ch. 180, Part 12
Part 15, Power Inspection Program Re-Introduction	Ch. 201, Part 1
Ch. 6, Conduct	
Part 1, Alcoholic Beverages	
A, Bottle Clubs	Ch. 127, Part 3
B, Prohibiting Consumption or Storage of Alcoholic Beverages on Business Premises During Certain Hours	Ch. 127, Part 1
C, Prohibiting Consumption of Alcoholic Beverages Without the Consent of the Owner	Ch. 127, Part 2
Part 2, Curfew	Ch. 188, Part 1
Part 3, Graffiti	Ch. 272
Part 4, Conduct	
A, Prohibiting the Discharge of Firearms	Ch. 219
B, Tampering With Public Property	Ch. 536
C, Loitering; Obstructing Public Places	Ch. 353
Part 5, Litter and Advertising Material	Ch. 346
Part 6, Law Enforcement	
A, False Reports	Ch. 325, Part 2
B, Crossing Police Lines	Ch. 325, Part 1
Part 7, School Time Curfew	Ch. 188, Part 2
Part 8, Canvassing and Solicitation	Ch. 410, Part 2
Ch. 7, Fire Prevention and Fire Protection	

Chapter/Title From 2001 Code of Ordinances	Location in 2013 Code
Part 1, Fireworks	Ch. 225
Part 2, Space Heaters	REP
Part 3, Smoke, Cinders, Dust, Fly-Ash, Noxious Acids, Fumes and Gases	Ch. 237, Part 1
Ch. 8, Floodplains (Reserved)	Omitted
Ch. 9, Grading and Excavating (Reserved)	Omitted
Ch. 10, Health and Safety	
Part 1, Health Code	Ch. 288, Part 1
Part 2, Noise Control	Ch. 387
Part 3, Hazardous Substances Control	Ch. 328
Part 4, Weeds	Superseded by Ord. Nos. 28-2010 and 20-2012; see Ch. 180
Part 5, Storage of Motor Vehicle Nuisances	Ch. 564
Part 6, Indoor Furniture	Ch. 288, Part 2
Part 7, Boarded Up Structures	Ch. 288, Part 3
Part 8, Unprotected Vehicle Tires	Ch. 288, Part 5
Part 9, Stagnant Water Pools	Ch. 288, Part 4
Part 10, Commercial Laundry Code	Ch. 173
Part 11, Sexually Oriented Business	Ch. 473
Part 12, Food Code	Ch. 251
Part 13, City Outdoor Air Policy	REP
Part 14, Regulating Massage Establishments	Ch. 364
Part 15, Sidewalk Cafes	Ch. 479
Part 16, Sidewalk Sales	Ch. 453, Part 1
Part 17, Sidewalk Vendors	Ch. 453, Part 2
Part 18, Health and Safety Inspection Ordinance	Repealed by Ord. No. 75-2011; see now Ch. 431, Part 2
Part 19, Regulation and Limitation of Portable Home Storage Units Ordinances	Ch. 502, Part 1
Part 20, Mobile Vendors	Ch. 453, Part 3
Part 21, Vending Machines	Ch. 583, Part 1
Ch. 11, Housing - Rental	
Part 1, Rental	Ch. 308, Part 1
Part 2, Waiver of Fees	Ch. 308, Part 2
Ch. 12, Libraries	
Part 1, Public Library	Ch. 332

Chapter/Title From 2001 Code of Ordinances	Location in 2013 Code
Ch. 13, Licenses, Permits and General Business Regulations	
Part 1, Burglary and Robbery Alarm Systems	Ch. 120
Part 2, Licenses	Ch. 339, Part 1
Part 3, Transient Retail Business	Ch. 410, Part 1
Part 4, Business Privilege License	Ch. 339, Part 2
Part 5, Vending Machines	REP
Part 6, Milk and Milk Products	REP
Part 7, Frozen Desserts	REP
Part 8, Meat and Meat Products	REP
Part 9, Poultry	REP
Part 10, Vehicle Repair Shops	Ch. 570
Part 11, Ambulances	REP
Part 12, Poles	Ch. 424
Part 13, Pawnbrokers	Ch. 403
Part 14, Cable Television	Ch. 166
Part 15, Scrap Metal Dealers	Ch. 460
Ch. 14, Mobile Homes and Mobile Home Parks (Reserved)	Omitted
Ch. 15, Motor Vehicles and Traffic	Ch. 576
Ch. 16, Parks and Recreation	
Part 1, Park Code	Ch. 396, Part 3
Part 2, Penn Square	Ch. 396, Part 2
Part 3, Firemen's Memorial Band Shell	Ch. 396, Part 1
Ch. 17, Planned Residential Development (Reserved)	Omitted
Ch. 18, Sewers and Sewage Disposal	
Part 1, Sewer Uses	Ch. 467, Part 2
Part 2, Septic Tanks	Superseded by Ord. No. 17-1998
Part 3, Sewer Service Rental	Ch. 467, Part 1
Ch. 19, Signs and Billboards	
Part 1, Political Campaign Matter	Ch. 485, Part 1
Part 2, Unauthorized Roadside and Utility Pole Signs Prohibited	Ch. 485, Part 2
Ch. 20, Solid Waste	
Part 1, Solid Waste	Ch. 496, Part 2
Part 2, Dumpster Placement	Ch. 496, Part 1
Ch. 21, Streets and Sidewalks	Ch. 508

Chapter/Title From 2001 Code of Ordinances	Location in 2013 Code
Ch. 22, Subdivision and Land Development	Ch. 515
Ch. 23, Swimming Pools	
Part 1, Private Swimming Pools	REP
Ch. 24, Taxation; Special	
Part 1, Per Capita Tax	Ch. 549, Part 6
Part 2, Earned Income Tax	
A, Local Tax Enabling Act	Ch. 549, Part 2
B, Home Rule Earned Income Tax	Superseded by Ord. No. 71-2011; see Ch. 549, Part 11
C, Nonresident Earned Income and Net Profits Tax	Superseded by Ord. No. 61-2011; see Ch. 549, Part 10
Part 3, Realty Transfer Tax	
A, Realty Transfer Tax	Ch. 549, Part 3A
B, Home Rule Realty Transfer Tax	Ch. 549, Part 3B
Part 4, Local Services Tax	Ch. 549, Part 8
Part 5, Business Privilege Tax	
A, Business Privilege Tax Ordinance	Ch. 549, Part 4
B, Business Privilege Tax Regulations	Ch. 549, Part 5
Part 6, Amusement Tax	Ch. 549, Part 7
Part 7, Tax Abatement	
A, Residential Tax Abatement	Ch. 543, Part 1
B, Local Economic Revitalization Tax Assistance (LERTA) Program	Ch. 543, Part 2
C, Enterprise Zone LERTA Opportunity	Ch. 543, Part 3
Part 8, Discount and Penalties	Ch. 549, Part 1
Part 9, Schedule of Attorney's Fees for Collection of Delinquent Taxes	Ch. 378, Part 1
Part 10, Schedule of Attorney's Fees for Collection of Delinquent Earned Income Taxes, Business Privilege Taxes and Fees, Per Capita Taxes, and Other Non-Real Estate Based Taxes and Receivables	Ch. 378, Part 3
Ch. 25, Trees	
Part 1, Shade Trees	Ch. 555, Part 1
Ch. 26, Water	
Part 1, Watershed Stormwater Management	Ch. 505, Part 1
Ch. 27, Zoning	Ch. 600
Appendix	

Chapter/Title From 2001 Code of Ordinances	Location in 2013 Code
A. Annexation of Territory	Ch. A610
B. Bond Issues and Loans	Ch. A611
C. Franchises and Services	Ch. A612
D. Governmental and Intergovernmental Affair	Ch. A613
E. Plan Approval	Ch. A614
F. Public Property	Ch. A615
G. Sewers	Ch. A616
H. Streets and Sidewalks	Ch. A617
I. Water	Ch. A618
J. Zoning; Prior Ordinances	Ch. A619

Chapter DL

DISPOSITION LIST

§ DL-101. Disposition of legislation.

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§ DL-101. Disposition of legislation.

Ordinance No.	Adoption Date	Subject	Disposition
1-2013	1-28-2013	Transfer of funds	NCM
2-2013	1-28-2013	Fee Schedule amendment	Ch. 212, Part 1
3-2013	1-28-2013	Transfer of funds	NCM
4-2013	1-28-2013	Reading Downtown Improvement District Authority amendment	Ch. 14, Part 5
5-2013	1-28-2013	Main Street Program Board amendment	Ch. 23, Part 12
6-2013			Withdrawn
7-2013	2-11-2013	Diversity Board amendment	Ch. 23, Part 10
8-2013	2-11-2013	Sewers: agreement for sewer transportation and treatment services with Laureldale Borough	Ch. A616
9-2013	3-7-2013	Governmental and intergovernmental affairs: employee positions amendment	Ch. A613
10-2013	2-25-2013	Governmental and intergovernmental affairs: amended memorandum of understanding	Ch. A613
11-2013	2-25-2013	Administrative Code amendment	Vetoed
12-2013	3-11-2013	International Fire Code amendment	Ch. 180, Part 14
13-2013	3-11-2013	Bond issues and loans: issuance of promissory notes	Ch. A611
14-2013			Withdrawn
15-2013	3-11-2013	Transfer of funds	NCM
16-2013	4-8-2013	Charter Board amendment	Ch. 23, Part 6
17-2013	3-25-2013	Housing: rental and vacant property; disruptive conduct	Ch. 308, Parts 1 and 1A
18-2013	3-25-2013	Governmental and intergovernmental affairs: amended memorandum of understanding	Ch. A613

Ordinance No.	Adoption Date	Subject	Disposition
19-2013	4-8-2013	Public property: execute lease with Egelman's Park Association	Ch. A615
20-2013	3-25-2013	Bond issues and loans: transfer of real estate and assumption of associated loan obligation	Ch. A611
21-2013	3-25-2013	Governmental and intergovernmental affairs: employee positions amendment	Ch. A613
22-2013	4-22-2013	Citizens Advisory Board amendment	Ch. 23, Part 3
23-2013	4-22-2013	Firemen's Pension Fund amendment	Ch. 62, Part 3
24-2013	4-22-2013	Police Pension Fund amendment	Ch. 62, Part 4
25-2013	4-22-2013	Officers and employees retirement system amendment	Ch. 62, Part 2
26-2013	4-22-2013	New Officers and Employees Pension Fund amendment	Ch. 62, Part 1
27-2013	5-28-2013	Transfer of funds	NCM
28-2013	5-28-2013	Code of Ethics	Ch. 5, Part 10
29-2013	5-28-2013	Fees Schedule amendment	Ch. 212, Part 1
30-2013	6-24-2013	Governmental and intergovernmental affairs: lease of portion of WEEU Building	Ch. A613
30A-2013	7-8-2013	Fees Schedule amendment	Ch. 212, Part 1
31-2013	7-8-2013	Transfer of funds	NCM
32-2013	7-8-2013	Fire insurance proceeds escrow procedures amendment	Ch. 231, Part 1
33-2013	6-22-2013	Governmental and intergovernmental affairs: conveyance of properties to City	Ch. A613
34-2013	8-12-2013	Housing: rental and vacant property amendment	Ch. 308
35-2013	8-26-2013	General provisions: amendments during codification	Ch. 1, Part 2
36-2013	8-26-2013	Adoption of Code	Ch. 1, Part 1
37-2013	8-26-2013	Governmental and intergovernmental affairs: employee positions amendment	Ch. A613
38-2013	8-12-2013	Alarm systems amendment	Ch. 120

Ordinance No.	Adoption Date	Subject	Disposition
39-2013	8-26-2013	Governmental and intergovernmental affairs: agreement for recycling collection service	Ch. A613
40-2013	8-26-2013	Streets and sidewalks: street vacation	Ch. A617
41-2013	9-23-2013	Tattoo and piercing establishments	Ch. 540
42-2013	9-23-2013	Fees Schedule amendment	Ch. 212, Part 1
43-2013	9-23-2013	Public property: lease agreement for portions of Angelica Park	Ch. A615
44-2013	10-28-2013	Transfer of funds	NCM
45-2013	10-14-2013	Transfer of funds	NCM
46-2013	10-14-2013	Governmental and intergovernmental affairs: employee positions amendment	Ch. A613
47-2013	10-14-2013	Transfer of funds	NCM
48-2013	10-14-2013	Housing: abandoned real property registration	Ch. 308, Part 3
49-2013	10-28-2013	Vehicles and traffic amendment	Ch. 576
50-2013	10-14-2013	Public property: first amendment to lease agreement for Angelica Park baseball facilities	Ch. A615
50A-2013	10-28-2013	Transfer of funds	NCM
51-2013	10-28-2013	Administrative Code amendment	Ch. 5
52-2013	10-28-2013	Administrative Code amendment	Ch. 5
53-2013	10-28-2013	Streets and sidewalks amendment	Ch. 508
54-2013	11-4-2013	Governmental and intergovernmental affairs: Municipalities Financial Recovery Act Recovery Plan amendment	Ch. A613
55-2013	11-12-2013	Parks and recreation: memorial structures and public property	Ch. 396, Part 5
56-2013	11-12-2013	Public property: easement agreement with Muhlenberg Township Authority	Ch. A615
57-2013	11-12-2013	Transfer of funds	NCM
58-2013	11-12-2013	Rain barrels amendment	Ch. 438
59-2013	11-12-2013	City of Reading Revitalization and Improvement Zone Authority	Ch. 14, Part 7

Ordinance No.	Adoption Date	Subject	Disposition
60-2013	11-25-2013	2014 real estate taxes	NCM
61-2013			Not adopted
62-2013	11-25-2013	2014 budget	NCM
63-2013	11-25-2013	2014 capital improvement plan budget	NCM
64-2013	11-25-2013	Governmental and intergovernmental affairs: 2014 employee positions	Ch. A613
65-2013			Withdrawn
66-2013			Withdrawn
67-2013	11-25-2013	Home Rule per capita tax	Ch. 549, Part 11
68-2013	12-9-2013	Nonresident earned income and net profits tax	Superseded by Ord. No. 92-2014
69-2013	12-9-2013	Vehicles and traffic amendment	Ch. 576
70-2013	12-9-2013	Solid waste: dumpster placement amendment	Ch. 496, Part 1
71-2013	12-9-2013	Solid waste: storage and collection amendment	Ch. 496, Part 2
72-2013	12-9-2013	Construction codes: property maintenance rules and regulations amendment	Ch. 180, Part 12
73-2013	12-9-2013	Food Code amendment	Ch. 251
74-2013	12-9-2013	Streets and sidewalks amendment	Ch. 508
75-2013	12-9-2013	Governmental and intergovernmental affairs: memorandum of understanding	Ch. A613
76-2013	12-9-2013		Not adopted
77-2013	12-9-2013		Not adopted
78-2013	12-16-2013	Fees Schedule amendment	Ch. 212, Part 1
79-2013	12-16-2013	Transfer of funds	NCM
80-2013	12-9-2013	Transfer of funds	NCM
81-2013	12-9-2013	Sewer service rental agreement	Ch. 467, Part 1
82-2013	12-9-2013	Transfer of funds	NCM
83-2013	12-16-2013	Zoning amendment	Ch. 600
84-2013	12-9-2013	Governmental and intergovernmental affairs: Municipalities Financial Recovery Act Recovery Plan amendment	Ch. A613

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1-2014	1-27-2014	Transfer of funds	NCM
2-2014	1-27-2014	Transfer of funds	NCM
3-2014	1-27-2014	Transfer of funds	NCM
4-2014	1-27-2014	Per capita tax amendment	Ch. 549, Part 6
5-2014			Withdrawn
6-2014	1-27-2014	Administrative Code amendment	Ch. 5
7-2014	1-27-2014	Administrative Code amendment	Ch. 5
8-2014	1-27-2014	Administrative Code amendment	Ch. 5
9-2014			Withdrawn
10-2014	4-14-2014	Public property: temporary easement agreement for construction purposes	Ch. A615
11-2014	4-14-2014	Public property: conveyance of property	Ch. A615
12-2014	2-10-2014	Governmental and intergovernmental affairs: placing referendum on primary ballot	Repealed by Ord. No. 32-2014
13-2014			Not adopted
14-2014	2-10-2014	Governmental and intergovernmental affairs: placing referendum on primary ballot	Repealed by Ord. No. 28-2014
15-2014	2-10-2014	Governmental and intergovernmental affairs: placing referendum on primary ballot	Repealed by Ord. No. 31-2014
16-2014	2-10-2014	Governmental and intergovernmental affairs: placing referendum on primary ballot	Repealed by Ord. No. 27-2014
17-2014	2-10-2014	Governmental and intergovernmental affairs: placing referendum on primary ballot	Repealed by Ord. No. 30-2014
18-2014			Number not used
19-2014	2-24-2014	Transfer of funds	NCM
20-2014	3-10-2014	Solid waste: storage and collection amendment	Ch. 496, Part 2
21-2014	3-10-2014	Fees Schedule amendment	Ch. 212, Part 1
22-2014	3-10-2014	Transfer of funds	NCM
23-2014	3-10-2014	Transfer of funds	NCM
24-2014	4-14-2014	Housing permits amendment	Ch. 308, Part 1

Ordinance No.	Adoption Date	Subject	Disposition
25-2014	4-14-2014	Fees Schedule amendment	Ch. 212, Part 1
26-2014			Withdrawn
27-2014	4-14-2014	Governmental and intergovernmental affairs: placing referendum on general election ballot	Ch. A613
28-2014	4-14-2014	Governmental and intergovernmental affairs: placing referendum on general election ballot	Ch. A613
29-2014	4-14-2014	Governmental and intergovernmental affairs: placing referendum on general election ballot	Ch. A613
30-2014	4-14-2014	Governmental and intergovernmental affairs: placing referendum on general election ballot	Ch. A613
31-2014	4-14-2014	Governmental and intergovernmental affairs: placing referendum on general election ballot	Ch. A613
32-2014	4-14-2014	Governmental and intergovernmental affairs: placing referendum on general election ballot	Ch. A613
33-2014	4-14-2014	Litter and advertising material amendment	Ch. 346
34-2014	4-14-2014	2014 budget amendment	NCM
35-2014	4-14-2014	Franchises and services: first amendment to agreement between City and Reading School District for Reading Recreation Commission	Ch. A612
36-2014	4-14-2014	Zoning Map amendment	NCM
37-2014			Withdrawn
38-2014	4-14-2014	Administrative Code amendment	Ch. 5
39-2014	6-9-2014	Housing permits amendment	Ch. 308
40-2014	4-28-2014	Fees Schedule amendment	Ch. 212, Part 1
41-2014			Withdrawn

Ordinance No.	Adoption Date	Subject	Disposition
42-2014	6-9-2014	Governmental and intergovernmental affairs: memorandum of understanding	Ch. A613
43-2014	4-28-2014	Home Rule per capita tax amendment	Ch. 549, Part 11
44-2014	5-27-2014	Administrative Code amendment	Ch. 5
45-2014	6-9-2014	Fees Schedule amendment	Ch. 212, Part 1
46-2014	5-27-2014	Water: termination of lease and operating agreement with Reading Area Water Authority	Repealed by Ord. No. 66-2014
47-2014	6-23-2014	Transfer of funds	NCM
48-2014	6-23-2014	Animal control amendment	Ch. 141, Part 2
49-2014	6-23-2014	Transfer of funds	NCM
50-2014	7-28-2014	Vehicles and traffic amendment	Ch. 576
51-2014	7-28-2014	Vehicles and traffic amendment	Ch. 576
52-2014	7-28-2014	Vehicles and traffic amendment	Ch. 576
53-2014	7-28-2014	Vehicles and traffic amendment	Ch. 576
54-2014	7-28-2014	Transfer of funds	NCM
55-2014	7-28-2014	Government and intergovernmental affairs: intermunicipal cooperation agreement	Ch. A613
56-2014	7-28-2014	Governmental and intergovernmental affairs: employee positions amendment	Ch. A613
57-2014	7-28-2014	Governmental and intergovernmental affairs: employee positions amendment	Ch. A613
58-2014	7-28-2014	2014 budget amendment	NCM
59-2014	8-11-2014	Governmental and intergovernmental affairs: establishing salary of Director of Public Works	Ch. A613
60-2014	8-11-2014	Governmental and intergovernmental affairs: employee positions amendment	Ch. A613
61-2014	8-11-2014	Personnel amendment	Ch. 70
62-2014	8-11-2014	Public property: execute fourth addendum to lease agreement with RAWA	Repealed by Ord. No. 99-2014

Ordinance No.	Adoption Date	Subject	Disposition
63-2014			Withdrawn
64-2014	8-25-2014	Reading Area Water Authority amendment	Ch. 14, Part 3
65-2014	9-8-2014	Administrative Code amendment	Ch. 5
66-2014	9-8-2014	Water: repeal of dissolution of Reading Area Water Authority	Ch. A618
67-2014			Number not used
68-2014	9-22-2014	Transfer of funds	NCM
69-2014	9-22-2014	Transfer of funds	NCM
70-2014	9-22-2014	Governmental and intergovernmental affairs: establishing salary of Director of Fire and Rescue Services	Ch. A613
71-2014	9-22-2014	Governmental and intergovernmental affairs: execution of lease agreement	Ch. A613
72-2014	9-22-2014	Transfer of funds	NCM
73-2014	10-13-2014	Transfer of funds	NCM
74-2014	10-13-2014	First Energy Stadium Commission amendment	Ch. 23, Part 4
75-2014	10-13-2014	Bond issues and loans: issuance of general obligation bonds	Ch. A611
76-2014	10-13-2014	Transfer of funds	NCM
77-2014			Number not used
78-2014	10-27-2014	Main Street Program Board amendment	Ch. 23, Part 12
79-2014	10-27-2014	Personnel amendment	Ch. 70
80-2014	10-27-2014	No parking at and near 118 South Ninth Street	NCM
81-2014	10-27-2014	No parking at and near 290 Morgantown Road	NCM
82-2014	10-27-2014	Governmental and intergovernmental affairs: redevelopment agreement	Ch. A613
83-2014	11-10-2014	No parking across from 1007 Bern Street	NCM
84-2014	12-8-2014	Governmental and intergovernmental affairs: settlement agreement	Ch. A613

Ordinance No.	Adoption Date	Subject	Disposition
85-2014	11-10-2014	No parking adjacent to 1426 Perkiomen Avenue	NCM
86-2014	11-10-2014	Transfer of funds	NCM
87-2014	11-10-2014	Governmental and intergovernmental affairs: employee positions amendment	Ch. A613
88-2014	11-10-2014	Transfer of funds	NCM
89-2014	11-24-2014	Public property: right-of-way grant	Ch. A615
90-2014	11-24-2014	Governmental and intergovernmental affairs: Municipalities Financial Recovery Act Recovery Plan amendment	Ch. A613
91-2014	11-24-2014	2015 real estate taxes	NCM
92-2014	11-24-2014	Nonresident earned income and net profits tax	Superseded by Ord. No. 66-2016
93-2014	11-24-2014	Governmental and intergovernmental affairs: 2015 employee positions	Ch. A613
94-2014	11-24-2014	2015 budget	NCM
95-2014	11-24-2014	2015 capital improvement plan budget	NCM
96-2014	11-24-2014	Public property: grant of right-of-way and easement	Ch. A615
97-2014	12-8-2014	Business privilege license amendment	Ch. 339, Part 2
98-2014	12-8-2014	Fees Schedule amendment	Ch. 212, Part 1
99-2014	12-8-2014	Public property: execute fourth addendum to lease agreement with RAWA	Ch. A615
100-2014	12-8-2014	Fees Schedule amendment	Ch. 212, Part 1
101-2014	12-22-2014	Sewer service rental amendment	Ch. 467, Part 1
102-2014	12-22-2014	Code and License Appeals Board	Ch. 23, Part 14
103-2014	12-22-2014	Transfer of funds	NCM
104-2014	12-22-2014	Transfer of funds	NCM
105-2014	12-22-2014	Vehicles and traffic amendment	Ch. 576
106-2014	12-22-2014	Vehicles and traffic amendment	Ch. 576
107-2014	12-22-2014	Transfer of funds	NCM
1-2015	1-26-2015	Reading Area Water Authority amendment	Ch. 14, Part 3

Ordinance No.	Adoption Date	Subject	Disposition
2-2015	1-26-2015	Firearms repealer	Ch. 219, reference only
3-2015	1-26-2015	Administrative Code amendment	Ch. 5
4-2015	1-26-2015	Administrative Code amendment	Ch. 5
5-2015	1-26-2015	Fees Schedule amendment	Ch. 212, Part 1
6-2015	2-17-2015	Transfer of funds	NCM
7-2015	2-17-2015	Fees Schedule amendment	Ch. 212, Part 1
8-2015	3-9-2015	Transfer of funds	NCM
9-2015	3-9-2015	2015 recycling budget amendment	NCM
10-2015	3-9-2015	Governmental and intergovernmental affairs: 2015 employee positions amendment	Ch. A613
11-2015	3-9-2015	Personnel amendment	Ch. 70
12-2015	3-9-2015	Bond issues and loans: issuance of general obligation bonds	Ch. A611
13-2015	3-23-2015	Zoning amendment	Ch. 600
14-2015	3-23-2015	International Plumbing Code amendment	Ch. 180, Part 9
15-2015	4-13-2015	Licenses and permits: regulation of businesses, trades and professions	Ch. 339, Part 3
16-2015			Withdrawn
17-2015			Withdrawn
18-2015	4-27-2015	Storage of vehicle nuisances amendment	Ch. 564
19-2015			Not adopted
20-2015			Not adopted
21-2015	5-11-2015	Transfer of funds	NCM
22-2015	5-11-2015	Animal control amendment	Ch. 141, Part 2
23-2015	5-26-2015	Fees Schedule amendment	Ch. 212, Part 1
24-2015	5-26-2015	Transfer of funds	NCM
25-2015	5-26-2015	Administrative Code amendment	Ch. 5
26-2015	5-26-2015	Governmental and intergovernmental affairs: 2015 employee positions amendment	Ch. A613
27-2015	5-26-2015	Transfer of funds	NCM
28-2015	5-26-2015	Transfer of funds	NCM
29-2015	6-22-2015	Historical and conservation districts amendment	Ch. 295

Ordinance No.	Adoption Date	Subject	Disposition
30-2015	6-22-2015	Charter Board amendment	Ch. 23, Part 6
31-2015			Withdrawn
32-2015			Withdrawn
33-2015	6-22-2015	Governmental and intergovernmental affairs: lease agreement with Redevelopment Authority	Ch. A613
34-2015	6-22-2015	Personnel amendment	Ch. 70
35-2015			Number not used
36-2015			Number not used
37-2015	7-27-2015	Firearms amendment	Ch. 219
38-2015	7-27-2015	Transfer of funds	NCM
39-2015	7-27-2015	Administrative Code amendment	Ch. 5
40-2015	7-27-2015	Streets and sidewalks amendment	Ch. 508
41-2015	8-10-2015	Vehicles and traffic amendment	Ch. 576
42-2015	8-10-2015	Fees Schedule amendment	Ch. 212, Part 1
43-2015	8-24-2015	Fees Schedule amendment	Ch. 212, Part 1
44-2015	8-24-2015	Fees Schedule amendment	Ch. 212, Part 1
45-2015	8-24-2015	Historical and conservation districts amendment	Ch. 295
46-2015	9-8-2015	Fees Schedule amendment	Ch. 212, Part 1
47-2015	9-14-2015	Police Pension Fund amendment	Ch. 62, Part 4
48-2015	11-9-2015	Reading Downtown Improvement District Authority amendment	Ch. 14, Part 5
49-2015	9-28-2015	Transfer of funds	NCM
50-2015	9-28-2015	Sidewalk sales amendment	Ch. 453, Part 1
51-2015	9-28-2015	Streets and sidewalks amendment	Ch. 508
52-2015	9-28-2015	Diversity Board amendment	Ch. 23, Part 10
53-2015	10-12-2015	Public property: lease agreement with "Reading's Christmas on the Mountain"	Ch. A613
54-2015	10-12-2015	Vehicles and traffic amendment	Ch. 576
55-2015	10-12-2015	Administrative Code amendment	Ch. 5
56-2015	11-9-2015	Streets and sidewalks: street vacation	Ch. A617
57-2015	10-26-2015	Zoning amendment	Ch. 600
58-2015	10-26-2015	Zoning amendment	Ch. 600

Ordinance No.	Adoption Date	Subject	Disposition
59-2015	10-26-2015	Vehicles and traffic amendment	Ch. 576
60-2015	11-9-2015	Storage of vehicle nuisances amendment	Ch. 564
61-2015	10-26-2015	Sales: sidewalk vendors amendment	Ch. 453, Part 2
62-2015	10-26-2015	Bond issues and loans: issuance of revenue notes	Ch. A611
63-2015	11-9-2015	Transfer of funds	NCM
64-2015	11-9-2015	Transfer of funds	NCM
65-2015	11-9-2015	Transfer of funds	NCM
66-2015	11-23-2015	Nonresident earned income and net profits tax	Ch. 549, Part 9
67-2015	11-23-2015	2016 real estate taxes	NCM
68-2015	11-23-2015	2016 budget	NCM
69-2015	11-23-2015	2016 capital improvement budget	NCM
70-2015	11-23-2015	Governmental and intergovernmental affairs: 2016 employee positions	Ch. A613
71-2015	11-23-2015	Governmental and intergovernmental affairs: amending salary of City Solicitor	Ch. A613
72-2015	11-23-2015	Fees Schedule amendment	Ch. 212, Part 1
73-2015	11-23-2015	Transfer of funds	NCM
74-2015			Withdrawn
75-2015	12-21-2015	Public property: execute fifth addendum to lease agreement with RAWA	Ch. A615
76-2015			Withdrawn
77-2015	11-23-2015	Streets and sidewalks amendment	Ch. 508
78-2015	11-23-2015	Housing permits amendment; abandoned property registration	Ch. 308, Part 1; Ch. 308, Part 3
79-2015	11-23-2015	Fees Schedule amendment	Ch. 212, Part 1
80-2015	11-23-2015	Fees Schedule amendment	Ch. 212, Part 1
81-2015	11-23-2015	Administrative Code amendment	Ch. 5
82-2015	11-23-2015	Administrative Code amendment	Ch. 5
83-2015	12-7-2015	Designated portions of earned income tax for 2016 capital improvements	NCM
84-2015	12-7-2015	Transfer of funds	NCM

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85-2015	12-21-2015	Transfer of funds	NCM
86-2015	12-21-2015	Transfer of funds	NCM